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Rules of Governmental Agencies

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1992

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be In Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be In Issue #:	Published on:
Dec. 17, 1991	Dec. 24, 1991	1	Jan. 3, 1992	June 23, 1992	June 30, 1992	28	July 10, 1992
Dec. 24, 1991	Dec. 31, 1991	2	Jan. 10, 1992	June 30, 1992	July 7, 1992	29	July 17, 1992
Dec. 31, 1991	Jan. 7, 1992	3	Jan. 17, 1992	July 7, 1992	July 14, 1992	30	July 24, 1992
Jan. 7, 1992	Jan. 14, 1992	4	Jan. 24, 1992	July 14, 1992	July 21, 1992	31	July 31, 1992
Jan. 14, 1992	Jan. 21, 1992	5	Jan. 31, 1992	July 21, 1992	July 28, 1992	32	Aug. 7, 1992
Jan. 21, 1992	Jan. 28, 1992	6	Feb. 7, 1992	July 28, 1992	Aug. 4, 1992	33	Aug. 14, 1992
Jan. 28, 1992	Feb. 4, 1992	7	Feb. 14, 1992	Aug. 4, 1992	Aug. 11, 1992	34	Aug. 21, 1992
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Feb. 18, 1992	Feb. 25, 1992	10	Mar. 6, 1992	Aug. 25, 1992	Sept. 1, 1992	37	Sept. 11, 1992
Feb. 25, 1992	Mar. 3, 1992	11	Mar. 13, 1992	Sept. 1, 1992	Sept. 8, 1992	38	Sept. 18, 1992
Mar. 3, 1992	Mar. 10, 1992	12	Mar. 20, 1992	Sept. 8, 1992	Sept. 15, 1992	39	Sept. 25, 1992
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Mar. 17, 1992	Mar. 24, 1992	14	Apr. 3, 1992	Sept. 22, 1992	Sept. 29, 1992	41	Oct. 9, 1992
Mar. 24, 1992	Mar. 31, 1992	15	Apr. 10, 1992	Sept. 29, 1992	Oct. 6, 1992	42	Oct. 16, 1992
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Apr. 7, 1992	Apr. 14, 1992	17	Apr. 24, 1992	Oct. 13, 1992	Oct. 20, 1992	44	Oct. 30, 1992
Apr. 14, 1992	Apr. 21, 1992	18	May 1, 1992	Oct. 20, 1992	Oct. 27, 1992	45	Nov. 6, 1992
Apr. 21, 1992	Apr. 28, 1992	19	May 8, 1992	Oct. 27, 1992	Nov. 2, 1992 (Mon)	46	Nov. 13, 1992
Apr. 28, 1992	May 5, 1992	20	May 15, 1992	Nov. 2, 1992 (Mon)	Nov. 10, 1992	47	Nov. 20, 1992
May 5, 1992	May 12, 1992	21	May 22, 1992	Nov. 10, 1992	Nov. 17, 1992	48	Nov. 30, 1992 (Mon.)
May 12, 1992	May 19, 1992	22	May 29, 1992	Nov. 17, 1992	Nov. 24, 1992	49	Dec. 4, 1992
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June 2, 1992	June 9, 1992	25	June 19, 1992	Dec. 8, 1992	Dec. 15, 1992	52	Dec. 28, 1992 (Mon)
June 9, 1992	June 16, 1992	26	June 26, 1992	Dec. 15, 1992	Dec. 22, 1992	1	Jan. 4, 1993 (Mon)
June 16, 1992	June 23, 1992	27	July 6, 1992 (Mon)	Dec. 22, 1992	Dec. 29, 1992	2	Jan. 8, 1993

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Older Americans Act Programs
- 2) Code Citation: . 89 Ill. Adm. Code 230
- 3) Section Numbers:
 230.45
 230.570

Proposed Action:

Amendment
 Amendment

Statutory Authority: Ill. Rev. Stat. 1989, ch. 23
 Sections 6104.01(4), (9), (11) and
 (12); 6104.02, 6104.03 and 6105.02

5) A Complete Description of the Subjects and Issues Involved:

The Illinois Department on Aging allocates Title III and State General Revenue Funds appropriated for distribution to thirteen Area Agencies on Aging on a formula basis in accordance with the Older Americans Act (OAA) and its applicable regulations. Section 1321.37 (a) of the Older Americans Act regulations further requires the Department to "review and update its formula as often as a new State plan is submitted for approval." Illinois is in the last year of a four year plan period. A new State plan will be developed for FFY 1993 through FFY 1995.

The current Intrastate Funding Formula has been reviewed by the Department and revisions proposed in order for the Formula to meet the intent of the Older Americans Act; namely, to use the best statistical data available to accurately reflect the demographics of the older population and fairly allocate the resources to address those needs. (see Attachment A)

The purpose of this rulemaking is to allow the Department to revise the current Intrastate Funding Formula, thereby ensuring that the resources of the OAA programs are distributed equitably and distributed most specifically to those elderly in the greatest economic and social need pursuant to Departmental rule requirements and statutory mandates.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

- 7) Does this rulemaking contain an automatic repeal date?
 Yes ☒ No

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: N/A
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning this rulemaking by writing to Ms. Mary J. Mayes, Policy and Rules Analyst, Illinois Department on Aging, 421 East Capitol Avenue, Springfield, Illinois 62701 within 45 days after the date of this issue of the Illinois Register.

These rule amendments will have an impact on small businesses. In accordance with Sections 3.01 and 4.02 of the Illinois Administrative Procedure Act, any small business may present their comments to Mary J. Mayes at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rule amendments shall indicate their status as such, in writing, in their comments.

In addition, the Department on Aging will hold PUBLIC HEARINGS on this rulemaking as follows:

DATE: March 24, 1992
 TIME: 1:30 P.M. until 3:30 P.M.
 LOCATION: Room 161 (Auditorium)
 Centennial Building
 2nd and Edwards Streets
 Springfield, IL 62701

DATE: March 31, 1992
 TIME: 1:30 P.M. until 3:30 P.M.
 LOCATION: State of Illinois Center
 Room 9-040
 100 W. Randolph
 Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community

NOTICE OF PROPOSED AMENDMENTS

Affairs: March 2, 1992

B) Types of small businesses affected:

Area Agencies on Aging.

C) Reporting, bookkeeping or other procedures required for compliance:

No change from previously established requirements.

D) Types of professional skills necessary for compliance:

No change from previously established requirements.

The full text of the Proposed Amendments begins on the next page:

NOTICE OF PROPOSED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGING

PART 230

OLDER AMERICANS ACT PROGRAMS

SUBPART A: STATE AGENCY

Section

- 230.10 Designation and Function
- 230.20 Administration
- 230.30 State Plan
- 230.40 State Agency Requirements
- 230.41 Advocacy
- 230.42 Long-Term Care Ombudsman Program
- 230.43 Service Delivery Systems Responsibilities
- 230.44 State Advisory Council
- 230.45 Intrastate Funding Formula
- 230.46 Hearings
- 230.47 Designation of Planning and Service Areas

SUBPART B: AREA AGENCIES ON AGING

Section

- 230.110 Designation and Function
- 230.120 Administration
- 230.130 Area Plans
- 230.140 Withdrawal of Area Agency on Aging Designation
- 230.145 Continuity of Services
- 230.150 Area Agency on Aging Responsibilities

SUBPART C: SERVICE REQUIREMENTS

Section

- 230.210 Direct Provision of Services by the Department and Area Agencies on Aging
- 230.220 Planning, Coordination and Provision of Services Funded Under Other Programs
- 230.230 Licensure and Safety Requirements
- 230.240 Provider Requirements
- 230.250 Services

SUBPART D: FISCAL REQUIREMENTS

Section

- 230.310 Types of Allotments
- 230.320 Limitations on Use

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230.330 Service Funding Requirements
 230.340 Obligation of Allotments
 230.350 Maintenance of Effort: Non-Federal Share
 230.360 General Financial and Compliance Requirements
 230.361 Purpose of Financial and Compliance Audits
 230.362 Audit Engagement Letter
 230.363 Distribution of the Cost of a Unified Audit
 230.364 Scope of the Financial and Compliance Audit
 230.365 Audit Reports
 230.370 Program and Financial Reviews

SUBPART E: HEARINGS

Section
 230.410 Hearing Before the Department
 230.420 Hearing Before the Area Agency on Aging
 230.430 Non-applicability of Hearing Requirements
 230.440 Arrangements for Hearings

SUBPART F: TITLE III-D

Section

230.510 Target Population
 230.520 Eligibility Criteria
 230.530 Eligibility Determination
 230.540 Allowable Services
 230.550 Maintenance of Effort
 230.560 Coordination of Services
 230.570 Distribution of Funds
 230.580 Area Agency on Aging Administration

SUBPART G: CASE MANAGEMENT SERVICES

230.610 General Requirements for Providers of Case Management Services
 230.620 Case Management Service Availability
 230.630 Service Activities
 230.640 Records and Documentation
 230.650 Case Coordination Unit Compliance During Contract/Grant Period

AUTHORITY: Implementing the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, pars. 6101 et seq.) and the Older Americans Act, as amended (42 U.S.C. 3001 et seq.) and authorized by Section 4.01 of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, par. 6104.01).

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

SOURCE: Adopted at 5 Ill. Reg. 3722, effective March 31, 1981; amended at 6 Ill. Reg. 7379, effective June 16, 1982; codified at 7 Ill. Reg. 5178; amended at 7 Ill. Reg. 9132, effective July 27, 1983; amended at 8 Ill. Reg. 9330, effective June 15, 1984; amended at 9 Ill. Reg. 5297, effective April 8, 1985; amended at 10 Ill. Reg. 5787, effective March 27, 1986; recodified at 10 Ill. Reg. 7653; effective April 30, 1986; amended at 10 Ill. Reg. 14616, effective August 26, 1986; amended at 11 Ill. Reg. 3856, effective February 17, 1987; amended at 11 Ill. Reg. 7586, effective April 8, 1987; amended at 11 Ill. Reg. 15869, effective October 1, 1987; emergency amendments at 12 Ill. Reg. 12540, effective July 15, 1988, for a maximum of 150 days, emergency expired December 12, 1988; amended at 13 Ill. Reg. 2015, effective February 1, 1989; amended at 13 Ill. Reg. 3054, effective March 1, 1989; amended at 13 Ill. Reg. 20299, effective December 15, 1989; amended at 14 Ill. Reg. 2308, effective January 25, 1990; amended at 15 Ill. Reg. 18642, effective December 13, 1991; amended at 16 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

Section 230.45 Intrastate Funding Formula

The Department, following consultation with all Area Agencies on Aging in the State, shall develop and utilize an Intrastate Funding Formula which meets the requirements specified in 45 CFR 1321-37.

- a) The Department shall allocate Title III Older Americans Act (42 USC 3001 et seq.) funds and State General Revenue Funds (GRF) appropriated for distribution to the thirteen Area Agencies on Aging on a formula based in accordance with Older Americans Act requirements.
- b) For purposes of this Section, the following terms have the meanings specified:

"Base" means the current year's allocation for Federal Fiscal Year (FFY) 1992 as of March 1, 1992 for each source of funds (e.g., Title III-B, Title III-C1, Title III-C2, Title III-D, GRF Match, GRF Home Delivered Meals, etc.) distributed by the Department to the thirteen Area Agencies on Aging for their respective Planning and Service Areas. In Federal FY 1993, the "base" means two-thirds of the FFY 1992 base for each source of funds. In Federal FY 1994, the "base" means

NOTICE OF PROPOSED AMENDMENTS

one-third of the FFY 1992 base for each source of funds. Each Area Agency on Aging has a "base" level for each source of funds it receives from the Department to be administered through the Area Plan on Aging.

"Bureau of the Census" means the Bureau of the Census, U.S. Department of Commerce.

"Housing unit" means a house, an apartment, a group of rooms, or a single room occupied as a separate living quarters.

"Living alone" means being the sole resident of a housing unit.

"Minority group" means those persons who identify themselves as belonging to a particular ethnic/racial grouping as classified by the Bureau of the Census publication PC80-1-C15.

"PSA" means a Planning and Service Area which is designated pursuant to Section 230.47.

"Poverty threshold" means the income cutoff which determines an individual's poverty status as defined by the Bureau of the Census publication PC80-1-C15.

"Rural area" means a geographic location not within a Standard-Metropolitan Statistical Area (SMSA) as defined by the Bureau of the Census publication PC80-1-C15.

c) In order for a particular factor to be included in the Intrastate Funding Formula, it must:

- 1) be derived from data which is quantifiable by PSA;
- 2) be based on data which is derivable from the Bureau of the Census; and
- 3) characterize at least 5 percent of the state's population sixty years of age and older.

d) The Formula contains the following factors:

DEPARTMENT ON AGING
NOTICE OF PROPOSED AMENDMENTS

- 1) The number of the state's population sixty years of age and older in the PSAs as an indicator of need in general (60+ population).
- 2) The number of the state's population sixty years of age and older at or below the poverty threshold in the PSAs as an indicator of greatest economic need (GEN -60+ Poverty).
- 3) As indicators of greatest social need, the number of the state's elderly in the PSAs who are:
 - A) sixty years of age and over and a member of a minority group (GSN -60+ Minority);
 - B) sixty years of age and over and living alone (GSN -60+ Living Alone);
 - C) seventy-five years of age and over (GSN -75+ Population).
- 4) The number of the state's population sixty years of age and older residing in rural areas of the PSAs as a means of assuring that the State will spend an amount equal to or not less than 105% of the amount expended for services to rural elderly in Federal FY 78.
- e) The Funding Formula factors are weighted as follows:

1) 60+ Population	41.0%
2) Greatest Economic Need: (60+ Poverty)	25.0%
3) Greatest Social Need: (60+ Minority - 10.0%) (60+ Living Alone - 7.5%) (75+ Population - 7.5%)	25.0%
4) 60+ Rural	9.0%
- f) The Intrastate Funding Formula is:
 - 1) $A = (.41-.45 \text{ POP-60} + .25 \text{ POV-60} + .10 \text{ MIN-60} + .075-.10 \text{ LA-60} + .075-.05 \text{ POP-75} + .09-.05 \text{ RUR-60}) \times (T)$

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2) Where:

- A) A = Funding allocation from a specific source of funds to a particular PSA.
- B) POP-60 = Percentage of the state's population within the particular PSA age sixty and older.
- C) POV-60 = Percentage of the state's population within the particular PSA age sixty and older at or below the poverty threshold.
- D) MIN-60 = Percentage of the state's population within the particular PSA age sixty and older and a member of a minority group.
- E) LA-60 = Percentage of the state's population within the particular PSA age sixty and older and living alone.
- F) POP-75 = Percentage of the state's population within the particular PSA age seventy-five and older.
- G) RUR-60 = Percentage of the state's population within the particular PSA age sixty and older not residing in the MSA.
- H) T = The total amount of funds appropriated from a specific source of funds.

g) The base is to be used as the starting point when calculating the distribution of funds in Federal FY 1993 and Federal FY 1994 ~~any increases or decreases in~~ funds from a source of funds to be allocated to the Area Agencies on Aging for their respective PSAs. After the most recent allocation levels have been calculated, the resulting allocation levels from each source of funds become the new base.

1) ~~When the amount of funds appropriated to the Department for allocation to the Area Agencies on Aging for their respective PSAs from any source of funds increases, Each PSA will receive its~~

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

base allocation from that source of funds plus its share of the additional funds above the base level. Each PSA's share of the additional funds is calculated by use of the Fformula delineated in subsection (f)(1).

2) When the amount of funds appropriated to the Department for allocation to the Area Agencies on Aging for their respective PSAs from any source of funds decreases below the base level, each PSA will receive its base allocation from that source of funds minus its share of the reduction in funds. The percentage reduction in funds for each PSA will equal the percentage reduction for the source of funds that was reduced.

h) In Federal FY 1995 and in each year thereafter, each PSA's share of the funds from any source of funds is to be calculated by use of the Formula delineated in subsection (f)(1).

i) The data used in the Intrastate Funding Formula reflects the most current and up-to-date information from the Bureau of the Census, including mid-census estimates when available.

j) The only exceptions to the above provisions will be the distribution of Ombudsman and Title III-G funds and in instances of a legislatively directed program requiring funding at a designated level for a defined target population. These funds will be distributed in accordance with the prescribed Fformula stated in the applicable legislation. If there is not a prescribed Fformula stated in the applicable legislation, the Department has the authority to determine the methodology to be used to distribute the funds.

k) Whenever the Director determines that any amount allotted to an Area Agency on Aging for a Fiscal Year under this Formula will not be used by such Area Agency on Aging for carrying out the purposes for which the allotment was made, the Director may, in accordance with this subsection, make such allotment available for carrying out such purpose to one or more other Area Agencies on Aging to the extent the Director determines that such other Area Agencies on Aging will be able to use such additional amount for carrying out such

NOTICE OF PROPOSED AMENDMENTS

purpose. Funds will be reallocated to those Area Agencies on Aging which request and demonstrate the need for additional funds in accordance with procedures developed by the Department. Any reallocation amount made available to an Area Agency on Aging from an appropriation for a Fiscal Year in accordance with the preceding sentence shall, for the purposes of this title, be regarded as part of such Area Agency's allotment for such year, and shall remain available only until the end of that Fiscal Year. Funds available for reallocation will be:

- 1) those in excess of an Area Agency's allowable carryover amount determined by the financial closeout of the Fiscal Year;
- 2) those carryover funds available to an Area Agency on Aging determined by the financial closeout of the Fiscal Year but not requested by an Area Agency on Aging; and
- 3) those funds offered to the Department for reallocation by an Area Agency on Aging.

1) If the Director finds that any Area Agency on Aging has failed to qualify under the Area Plan Requirements of the Older Americans Act, or Section 230.140, the Director may withhold the allotment of funds to such Area Agency on Aging. The Director shall direct the disbursement of the funds so withheld directly to any qualified public or private nonprofit institution or organization, agency, or political subdivision in order to ensure continuity of services pursuant to Section 230.145.

The allotment to an Area Agency on Aging may be reduced by the amount of any disallowance, in the Fiscal Year following the identification of the disallowance, if that Area Agency on Aging has expended funds allocated under this Part:

- 1) for purposes which an audit report determines to be questioned costs which are deemed disallowed by the Department;
- 2) for purposes which an audit report determines to be unallowable; or

NOTICE OF PROPOSED AMENDMENTS

3) for purposes which are otherwise determined to be unallowable according to cost principles contained in applicable OMB Circulars or the approved grant/contract award.

n) If an Area Agency on Aging does not expend the required minimum percentage of their Title III-B allocation on access services, in-home services, and legal services as established by the Department, pursuant to the Older Americans Act in a Fiscal Year as determined by the financial closeout report, and no waiver of the requirement has been granted by the Department for that Fiscal Year, the Area Agency on Aging must, for the next Fiscal Year following the submission of their report, expend the minimum percentage established for that next Fiscal Year, PLUS the amount they were deficient in meeting the minimum percentage in the reported year. If the Area Agency on Aging does not expend the required amount in the subsequent Fiscal Year, the amount that they were deficient from that required expenditure amount may be withheld from the Area Agency on Aging during the Fiscal Year following the Fiscal Year in which the shortage is determined.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 230.570 Distribution of Funds

- a) The Intrastate Funding Formula provisions of Section 230.45 shall not apply to the distribution of Title III-D funds, as specified in this Subpart, definitions of terms contained in that Section are applicable. Title III-D distributive funds are to be allocated to area agencies on aging on a formula basis according to the percentage weight assigned to the factors specified below (refer to Section 230.45 for definitions):

1) 60+ Population	45%
2) 60+ Poverty (GSN)	25%
3) 60+ Minority (GSN)	10%
4) 60+ Living Alone (GSN)	10%
5) 75+ Population (GSN)	5%
5) 60+ Rural	5%
- b) the intrastate funding formula for Title III-D is (refer to Section 230.45 for definitions):

1) A = (.45 * POP 60) + (.25 * POV 60) + (.10 * MIN

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Animal Control Act
- 2) Code Citation: 8 Ill. Adm. Code 30
- 3) Section Number: Proposed Action:
30.150 Amendment
- 4) Statutory Authority: Animal Control Act (Ill. Rev. Stat. 1989, ch. 8, pars. 357 and 372, and Public Acts 87-151, effective January 1, 1992, and 87-157, effective January 1, 1992)
- 5) A Complete Description of the Subjects and Issues Involved:
The Authority Note is amended by adding reference to the latest Public Acts, which amended the Animal Control Act. This amendment is for housekeeping purposes and to alert the public to statutory amendments which do not appear in the Illinois Revised Statutes.

We are deleting the requirement that the Treasurer of each county must annually report to the Department the number and kind of animals or poultry killed or injured by dogs, whether the animals killed or injured were grade, crossbred, hybrid, inbred or purebred animals, the amount of the claim, and the amount paid for each claim.

P.A. 87-151 amended the Animal Control Act to permit counties of 100,000 inhabitants or more to assume self-insurance liability to pay claims for the loss of livestock or poultry. Therefore, there will be less paying of funds from the Animal Control Fund for this purpose. Also, many counties at present are not paying these types of claims from the Animal Control Fund because such claims are being handled by private insurance companies for the individuals involved. Finally, some counties have eliminated their animal control programs.

This amendment will reduce paperwork for the county treasurers, and the costs to the Department of Agriculture in obtaining and compiling such information. Since fewer and fewer counties are involved in reporting claims from the Animal Control Fund, it appears such a report will be of no practical use.

- 6) Will these proposed amendments replace emergency amendments currently in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No

DEPARTMENT ON AGING

NOTICE OF PROPOSED AMENDMENTS

- 60) * (-.10 * LA 60) + (-.05 * POP 75) + (-.05 * RUR 60)
- 2) Where:
A) A = Funding allocation to a particular PSA.
B) POP 60 = percentage of the state's population within a particular PSA age 60 and older.
C) POV 60 = Percentage of the state's population within a particular PSA age 60 and older at or below the poverty threshold.
D) MIN 60 = Percentage of the state's population within a particular PSA age 60 and older and a member of a minority group.
5) LA 60 = percentage of the state's population within a particular PSA age 60 and older and living alone.
6) POP 75 = Percentage of the state's population within a particular PSA age 75 and older.
7) RUR 60 = Percentage of the state's population within a particular PSA age 60 and older and not residing in a SMSA.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 8) Do these proposed amendments contain incorporations by reference? None.
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives:

This rulemaking will eliminate an annual report that county treasurers make to the Department of Agriculture each April 1 relative to claims paid from their Animal Control Fund for animals or poultry killed or injured by dogs. Costs of compiling and reporting such claims will vary with each county depending on number of claims, number of animals involved in each claim, personnel time involved in investigating and documenting claims, and postage for mailing the report to the Department.

- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency.

The proposed rulemaking may have an impact on small businesses, although we do not believe so. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
March 2, 1992

B) Types of small businesses affected: County treasurers.

C) Reporting, bookkeeping or other procedures required for compliance: The amendments update cites to statutory references. These amendments should not impose in

additional compliance requirements.

County treasurers will no longer be required to make reports to the Department of Agriculture each April 1 relative to claims paid from their Animal Control Fund for animals or poultry killed or injured by dogs.

D) Types of professional skills necessary for compliance: Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT
 AND POULTRY INSPECTION ACT REGULATIONS)

PART 30
 ANIMAL CONTROL ACT

- Section
- 30.10 Definitions
 - 30.20 Interstate Shipment of Dogs; Health Certificate Required
 - 30.30 Causes for Removal of Administrator or Wardens from Office
 - 30.40 District Boards
 - 30.50 Training of Animal Control Wardens
 - 30.60 Rabies Vaccination Tags; County Accountable for Rabies Tags
 - 30.70 Rabies Vaccination Tag and Certificate Honored by All Counties; Interstate Shipment of Dogs Recognized as Officially Vaccinated
 - 30.80 Approval of Rabies Vaccination Tags and Color
 - 30.90 Recognized Immunity Period of Animal Rabies Vaccines
 - 30.100 Unvaccinated Impounded Dog
 - 30.110 Confinement Period for Animal Which Has Bitten a Person
 - 30.120 Biting Animal Considered Officially Vaccinated; Brains of Dogs Suspected of Having Rabies and Which Have Died Shall Be Submitted for Examination
 - 30.130 Rabid Animals; Procedures for Revaccination, Confinement or Destruction
 - 30.140 Dangerous Dog; Control Methods
 - 30.150 Claim for Loss of Animals or Poultry Killed or Injured by Dogs
 - 30.160 County Animal Control Program; Requirements
 - 30.170 County and Municipality Sharing Registration Fees

AUTHORITY: Implementing and authorized by the Animal Control Act (Ill. Rev. Stat. 1989 1985, ch. 8, par. 351 et seq., as amended by P.A. 87-151 85-0275, effective January 1, 1992 1988 and P.A. 87-157 85-0798, effective January 1, 1992 1988) and authorized by Sections 9 and 10 of the Illinois Diseased Animals Act (Ill. Rev. Stat. 1989 1985, ch. 8, pars. 176 and 177).

SOURCE: Rules and Regulations Relating to the Animal Control Act, filed September 16, 1974, effective September 26, 1974; filed August 19, 1975, effective August 29, 1975; filed December 10, 1976, effective January 1, 1977; codified at 5 Ill. Reg. 10440; amended at 7 Ill. Reg. 1712, effective January 28, 1983; amended at 12 Ill. Reg. 2216, effective January 19, 1988; amended at 16 Ill. Reg. _____, effective _____.

Section 30.150 Claim for Loss of Animals or Poultry Killed or

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Injured by Dogs

- a) An owner making claim for loss of animals or poultry killed or injured by dogs shall report such loss to the Administrator within 24 hours after such loss occurs, shall have not less than 2 witnesses who are freeholders of the county substantiate such loss within 48 hours after the loss occurs, and shall appear before a member of the County Board within 7 days after such loss to make affidavit.
- b) The Administrator or the person designated by him shall make an investigation, shall observe the animals in question, and shall visit the site where the animals were killed or injured. If the investigator is not a veterinarian and cannot confirm such claim to be valid, then the Administrator or a veterinarian designated by the Administrator shall examine the animals or poultry and make written report to be filed with the County Treasurer as to the cause of death. If such report does not substantiate loss caused by dogs, the claim shall be denied by the Board.
- c) Applications used in making claims for damages for animals or poultry killed or injured by dogs shall be on such forms as prescribed by the Department. Such forms shall include the amount of claim, the amount paid for each claim, the number and kind of animals or poultry killed or injured by dogs, and whether such animals were grade, or crossbred, hybrid, inbred, and purebred animals registered with an appropriate breed association or organization. In the case of animals registered with an appropriate breed association or organization, the owner shall surrender such certificate of registry to the county. A copy of such certificate shall be maintained in the county records and the original certificate of registry shall be immediately forwarded to the appropriate breed association or organization for cancellation. Claim forms shall be available from the Administrator, County Treasurer, Board members, and other county officials designated by the Board.
- d) All costs for the 2 witnesses to substantiate claims for loss of animals or poultry shall be paid by the owner of such animals or poultry. The Administrator or veterinarian requested by the Administrator to examine animals or poultry for which a claim has been made shall be paid from the Animal Control Fund if such loss is determined to be caused by dogs. If such veterinarian

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determines that the loss is due to some other cause, the cost of his services shall be borne by the claimant.

~~e) The Treasurer of each county shall annually provide the Department an itemized list of claims showing the number and kind of animals or poultry killed or injured by deer, whether such animals were grade, or crossbred, hybrid, inbred, and purebred animals registered with an appropriate breed association or organization, the amount of claim, and the amount paid for each claim. This report shall be submitted no later than April 1 of each year.~~

~~e)f) For the purpose of this rule, poultry means chickens, ducks, and geese, and shall not include domestic rabbits, guinea fowl, peafowl, pigeons, pheasants, quail, and waterfowl covered by Federal or State game codes. Also, for the purpose of this rule, animals other than goats, cattle, horses, mules, swine, sheep, and poultry as defined in this rule, even though kept in captivity, are not eligible for payment under Section 19 of the Animal Control Act.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Animal Diagnostic Laboratory Act

2) Code Citation: 8 Ill. Adm. Code 110

3) Section Numbers: Proposed Action:
110.50 Amendment
110.80 Amendment
110.90 Amendment
110.110 Amendment
110.120 Amendment

4) Statutory Authority: AN ACT authorizing the Department of Agriculture to establish animal disease laboratories (Ill. Rev. Stat. 1989, ch. 8, par. 105.11).

5) A Complete Description of the Subjects and Issues Involved: After meeting with the University of Illinois in early 1991, it was decided that both laboratory systems needed to mutually raise many of the laboratory fees. Many of the increased fees are a result of this mutual agreement.

A "rush priority" fee and a fee for requests for service at a rate faster than the normal laboratory routine turnaround time have been established at double the normal rates. Such requests disrupt the normal routine of the laboratory and are costly to the laboratories.

Test are deleted that are no longer offered by the Department's laboratories.

Several new tests are added, which reflects the requests we have received from the industry for these types of tests.

Cremation and carcass disposal costs have increased which have necessitated establishing disposal fees and increasing cremation fees in accordance with the size of the animal. The disposal fee will be charged only when no laboratory tests have been performed, and the disposal fee will be in addition to any cremation costs. Occasionally, people will bring dead animals to the laboratory as a means of disposing of the carcasses.

The FAX fee has been changed to better reflect the actual costs of providing this service.

For "sending a sample out of state" a handling fee has been added to cover the costs associated with postage and preparation of the sample for mailing. Samples are sent out of state when veterinarians submit samples to the

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Department's laboratory for tests that we do not perform and when specimens must be sent to the U.S. Department of Agriculture's laboratory at Ames, Iowa, which has just initiated a fee system.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 2, 1992

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B) Types of small businesses affected: Veterinarians; producers of livestock or anyone requesting laboratory services.

C) Reporting, bookkeeping or other procedures required for compliance: Persons requesting laboratory services must pay the fees being charged for the desired tests or services.

D) Types of professional skills necessary for compliance: Basic management.

The full text of the Proposed Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
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 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 110
 ANIMAL DIAGNOSTIC LABORATORY ACT

Section	Definitions
110.10	Submitting Specimens
110.20	Payment For Laboratory Services
110.30	Tests Not Covered By Fee Schedule
110.40	Minimum Fees
110.50	Euthanasia Fees
110.60	Clinical Pathology Fees
110.70	Histopathology Fees
110.80	Microbiology Fees
110.90	Parasitology Fees
110.100	Toxicology Fees
110.110	Miscellaneous Fees
110.120	Meats Chemistry Fees

AUTHORITY: Implementing and authorized by "AN ACT authorizing the Department of Agriculture to establish animal disease laboratories" (Ill. Rev. Stat. 1989, ch. 8., par. 105.11).

SOURCE: Adopted and codified at 8 Ill. Reg. 9047, effective July 1, 1984; amended at 9 Ill. Reg. 4471, effective March 22, 1985; amended at 9 Ill. Reg. 19638, effective January 1, 1986; amended at 10 Ill. 9733, effective May 21, 1986; amended at 11 Ill. Reg. 10163, effective May 15, 1987; amended at 12 Ill. Reg. 3379, effective January 25, 1988; amended at 13 Ill. Reg. 3617, effective April 15, 1989; amended at 14 Ill. Reg. 1907, effective January 19, 1990; amended at 14 Ill. Reg. 3416, effective March 1, 1990; amended at 14 Ill. Reg. 15304, effective September 10, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 110.50 Minimum Fees

- a) A minimum accession fee of \$5 per accession shall be charged on all accessions originating from Illinois animals, with the exception of samples for trichinosis testing for which the minimum accession fee is \$1. If such fees for the individual tests exceed the minimum fee, no minimum fee shall be charged. Persons submitting specimens for which there are no charges for the laboratory procedure shall be exempt from the minimum fee.

- b) The necropsy fee is \$40 \$35 per accession up to four animals for all species and cadavers submitted where more than one test is needed, with an additional \$15 for each additional animal. If multiple tissue specimens are submitted where more than one test is needed, the fee is \$35 \$30 per accession for up to four animals with an additional \$15 for each additional animal. ~~in cases where only a necropsy is performed without any tests, the fee is \$15.~~ The necropsy fee and multiple tissue specimens fee will include a test in pathology, microbiology, parasitology and toxicology as indicated by the necropsy. ~~These the necropsy~~ fees do not include electron microscopy examination, toxicologic screens, water and feed analysis, serology or herd surveys. In cases where only a necropsy is performed without any tests, the fee is \$20.

- c) Electron microscopy and toxicologic tests (other than a screen for metals and pesticides) shall be performed only after consultation with and with approval from the person who requested the laboratory services at the fees set forth in this Part.

- d) All fees, including the minimum accession and necropsy fee, shall be doubled on all out-of-state animals, unless a specific charge is noted.

- e) Serologic tests on paired, acute and convalescent specimens will be billed as one accession at the fee set forth in this Part.

- f) Accessions submitted as "rush priority" specimens shall be charged at twice the normal rate. This charge shall apply to any submission requesting service at a rate faster than the normal laboratory routine turnaround time for the requested test (e.g., before the regularly scheduled day, before other samples or on days requiring additional personnel time such as weekends or holidays).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 110.80 Histopathology Fees

- a) The following are the fees for histopathology:

- 1) Biopsy \$15.00 \$12.50 C, G
- 2) Multiple Tissues (2-4 tissues) \$30.00 \$25.00 C, G

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- b) In the event some specialty testing situation is requested by the person requesting the laboratory services, other fixatives are available. Please consult the respective diagnostic laboratory for the specific fee.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 110.90 Microbiology Fees

The following are the fees for microbiology:

a) Bacteriology, Mycoplasma and Fungi

- 1) Aerobic or anaerobic culture without sensitivity testing 10.00 C, G
- 2) Aerobic culture with sensitivity testing 15.00 C, G
- 3) Clostridium perfringens serotyping . . . 5.00 G
Anaerobic culture (includes sensitivity test) 15.00 C, G
- 4) Milk samples for mastitis evaluation
1-4 specimens 15.00 C, G
(additional specimens, each at) . . 2.00 C, G
Wisconsin mastitis test
1-10 specimens, each 2.00 C
(additional specimens, each at) . . 1.00 C
- 5) Leptospirosis - 6 serotypes
Microtiter test - per specimen . . 2.00 C, G
- 6) Canine brucellosis - per specimen. . . 5.00 C, G, S
- 7) Fluorescent Antibody Test (FA) . . . 10.00 C, G
- 8) Escherichia coli serotyping 3.00 G
- 9) Campylobacter (culture) 4.00 C, G
- 10) Salmonella Serotyping 1.00 C, G
Salmonella isolation using enrichment media 6.00 C, G
- 11) Hemophilus (culture) 3.00 C, G
- 12) Nasal Swabs--Bordetella 2.00 C, G
- 13) Listeria (culture) 4.00 C, G
- 14) Haemophilus equigenitalis (CEM) . . . 4.00 C, G
- 15) Spirochetes (swine dysentery--Treponema sp.) 3.00 C, G
- 16) John's Bacillus (first specimen) 7.00 5.00 C, G
(each additional specimen) . 4.00 2.00 C, G
IDEXX PROBE 15.00 C
- 17) Prepare and Supply Transport Media (per tube) 1.00 C, G

- 18) Return culture for bacterin production per organism 2.00 C, G
- 19) Mycology Testing 6.00 C, G
- 20) Microscopic examination 3.00 C, G
- 21) Mycoplasma Testing 6.00 C, G
- 22) Sematic Cell Count
(1-10 specimens, each) 2.00 C
(each additional specimen) 1.00 C
- 2223) E. Coli or Metritis (1-4 specimens) 15.00 C, G
(each additional specimen) 2.00 C, G

b) Virology

- 1) Electron Microscopy - fecal . . . 15.00 10.00 G
- 2) Pseudorabies Serology (positive or negative) no charge C, G
Pseudorabies Serology Out-of-State 3.00 C, G
Pseudorabies Serology (positive or negative) and end titer 3.00 C, G
Pseudorabies Serology (request for screen at dilution of 1:2) 3.00 C, G
- 3) Fluorescent Antibody Test
(each disease) 10.00 C, G
- 4) Rabies 5.00 C, G
- 5) Virus Isolation in Cell Culture . . . 15.00 C, G
- 6) Viral Serology (each disease)
(1-5 specimens, each) 3.00 C, G
(each additional specimen) 1.00 C, G
- 7) Feline Leukemia 10.00 C, G
- 8) Feline Infectious Peritonitis (F.I.P.) 5.00 C, G
- 9) Canine parvo-virus (ELISA) fecal . . . 5.00 C, G
- 10) Canine parvo-virus serum 5.00 C
- 11) Canine distemper on serum 5.00 C
- 12) Rota-virus on fecal 10.00 C
- 13) Semen testing (export) 10.00 C
- 14) Swine enterovirus (8 serotypes) . . . 12.00 C
- 15) FeLV-FELT 15.00 C
- 16) Porcine fetal fluid IgG 3.00 G
- 17) Feline lentivirus (FeLT) 10.00 C
- c) Chlamydia Isolation in Cell Culture . . . 15.00 C, G
- d) Miscellaneous serology
1) Toxoplasmosis 5.00 C
2) ~~Vibrio Agglutination Test (Campylobacter)~~ 2.00 S
23) EIA-AGID 5.00 S
34) Mare Immunological Pregnancy Test (35-60 days post-service) 15.00 C
45) Aleutian Disease-Mink

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	(each additional specimen)	9.00	C
	On Vitreous humor	5.00	C
3)	Cyanide	10.00	C
	(screen-picric acid)	5.00	C
4)	Ammonia (Urea Toxicosis)	10.00	C
	first specimen	5.00	C
5)	Carboxyhemoglobin, Methemoglobin, Sulfahemoglobin	15.00	C
	(first specimen)	5.00	C
6)	Sulfate	5.00	C
7)	Creosote, Petroleum Products	15.00	C
8)	pH	1.00	C
9)	Urea	10.00	C
10)	Total chlorides, feeds or water	5.00	C
11)	Monensin or other ionophore (each)	25.00	C
12)	Water chlorine	5.00	C
13)	Water nitrate, nitrite (each)	5.00	C
14)	Water hydrogen sulfide	5.00	C
15)	Water hardness	5.00	C
16)	Pentachlorophenol (PCP or Penta)	15.00	C
17)	Bone--Percent Ash, Ca, Po4	12.00	C
18)	Ca, Po4 (in feed)	10.00	C
19)	Ergot alkaloids	15.00	C
20)	Antibiotics in feed (each)	15.00	C
21)	Vitamin Analysis (each)	10.00	C
22)	Feed Quality Analysis	30.00	C
23)	Protein and moisture analysis	7.50	C
24)	Gas chromatographic/mass spectrophotometric analysis (each sample)	50.00	C
25)	Cholinesterase:		
	Blood (first specimen)	10.00	C
	(Each additional specimen)	5.00	C
	Brain (first specimen)	15.00	C
	(Each additional specimen)	10.00	C
26)	Drug screen	25.00	C
27)	Sulfa residue (each sulfa drug)	5.00	C
28)	Water quality screen (CH, OP, Carbamates, Herbicides, Lead)	100.00	C
29)	Total dissolved solids solvents (Water)	5.00	C
30)	Specific gravity (Water)	5.00	C

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 110.120 Miscellaneous Fees

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a)	Swine health checks at slaughter facilities: Reproductive and serology for sows (1-5 head)	25.00	
	each additional animal	4.00	
	Market swine health check (12 head maximum)	50.00	
	(Contact the Galesburg laboratory for information)		
b)	Water potability test (Coliform and Enterococcus--Millipore Method and Nitrates)	8.00	C
c)	Return of shipping container	current postal rate	C,G,S
d)	Field trip by Department laboratory personnel to take specimens	50.00	C, G
e)	Cremation (Under 50 pounds)	50.00	G
	50 pounds and above, each additional pound	1.00	G
f)	Report of results by facsimile (FAX) (first page)	\$5.00	C,G,S
	each additional page	1.00	C,G,S
g)	Handling fee for sending specimens to out-of-state laboratories	5.00	C,G,S
h)	Lysine	40.00	C
i)	Animo acids	100.00	C
j)	Trihalomethanes (THM's)	75.00	C
k)	Volatile Organic Compounds	300.00	C
l)	Disposal Fee: (when lab tests have not been conducted, a disposal fee will be charged in addition to any cremation costs)		
	Under 50 pounds	5.00	C,G,S
	50 pounds to 100 pounds	10.00	C,G,S
	Over 100 pounds	15.00	C,G,S

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Diseased Animals
- 2) Code Citation: 8 Ill. Adm. Code 85
- 3) Section Numbers:

85.5	Amendment	<u>Proposed Action:</u>
85.10	Amendment	
85.15	Amendment	
85.75	Amendment	
85.80	Amendment	
85.100	Amendment	
85.115	Amendment	
85.120	New Section	
- 4) Statutory Authority: Illinois Diseased Animals Act (Ill. Rev. Stat. 1989, ch. 8, pars. 169, 177, and 180); Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1989, ch. 8, par. 139); Equine Infectious Anemia Control Act (Ill. Rev. Stat. 1989, ch. 8, pars. 952, 955, and 956); and Livestock Auction Market Law (Ill. Rev. Stat. 1989, ch. 121 1/2, par. 208).
- 5) A Complete Description of the Subjects and Issues Involved:
The Authority Note is amended by adding two laws. The Equine Infectious Anemia Control Act is added because the proposed amendment in Section 85.10 will make equine infectious anemia a reportable disease. The Livestock Auction Market Law is referenced because language is quoted from that Act in Section 85.100.

The amendments in the Definition Section adopt the general definitions that apply to all of the livestock disease rules, and those definition may be found at 8 Ill. Adm. Code 20.1. This amendment will make it easier for the public to find the definitions for this Part.

Amendments throughout various sections update references to Federal rule citations by adopting the latest printed text, including any Federal Register amendments. The updating of these federal rule cites are housekeeping in nature. It is easier for the public to locate recent versions rather than older versions. The Federal Register amendments in Section 85.115 place restrictions on interstate movement of *Salmonella enteritidis* serotype enteritidis (SE) infected chickens, eggs, and other articles in order to control the spread of SE in commercial egg-type chickens flocks and to control its spread from chicken breeding flocks to egg-type productions flocks.

In Section 85.10, equine infectious anemia is added as a reportable disease. With the passage of the Equine Infectious Anemia Control Act, it is necessary to know of any cases of the disease in the State. The veterinarian, owner or testing laboratory will be required to advise the Department of Agriculture when a positive test is received.

In Section 85.80, the health certificate shall indicate the sheep were examined within 60 days (presently 30 days) prior to entry into Illinois and found free of infectious or communicable disease. This extension of the time period for accepting the health certificate will benefit primarily the owners of sheep, who are exhibiting the animals, by saving the owner the expense and time required for another veterinarian examination at the end of 30 days.

In Section 85.100, we have updated reference to the latest printed version of the Illinois Revised Statutes. This is a housekeeping amendment.

In Section 85.120, we have added import requirements for cervidae (deer and elk) entering Illinois. Persons importing deer and elk will be required to have an accredited veterinarian test the animals for tuberculosis and brucellosis (elk only) and issue Certificate of Veterinary Inspection. Tuberculosis has become a major disease problem in cervidae, and at least nine other states have adopted similar regulations. Cases of tuberculosis have been detected in Wisconsin, and infected deer and elk could spread the disease to cattle. Brucellosis testing requirements have been added for elk only, as the disease has not been detected in deer.

6) Will these proposed amendments replace emergency amendments currently in effect?: No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? None requiring JCAR prior approval in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act.

9) Are there any other proposed amendments pending on this part? No

10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
March 2, 1992

B) Types of small businesses affected: Bovine, equine, sheep, and cervidae (deer and elk) owners; livestock auction markets; veterinarians; persons transporting livestock.

C) Reporting, bookkeeping or other procedures required for compliance: The amendments update cites to statutory and federal rule references. These amendments should not impose in additional compliance requirements, except in the case of *Salmonella enteritidis* (federal restrictions of interstate movement of infected eggs and poultry are adopted for Illinois).

Equine infectious anemia must be reported by the veterinarian, testing laboratory or animal owner.

Entry requirements for cervidae (elk and deer) are imposed. Deer being imported into Illinois must be tested for tuberculosis, such tests must be negative, and the animals

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must be accompanied by health certificates issued within 30 days of importation. Further, elk entering Illinois must be negative to a brucellosis card test conducted within 60 days of entry on all animals 6 months of age and over.

D) Types of professional skills necessary for compliance:
Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page:

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bluetongue
brucellosis -- bovine, swine, equine and caprine
contagious equine metritis
equine infectious anemia
equine viral encephalitis
fowl typhoid
hog cholera
Mycoplasma gallisepticum -- turkeys
Mycoplasma synoviae -- turkeys
Newcastle disease
paratuberculosis -- (Johne's disease)
piroplasmiasis
pseudorabies -- (Aujeszky's disease)
psittacosis -- (ornithosis)
pullorum disease
rabies
salmonella enteritidis -- poultry
salmonella typhimurium -- poultry
scabies -- cattle and sheep
scrapie
tuberculosis -- bovine
vesicular conditions of any type
any contagious or infectious disease presently
considered as "exotic", i.e., not known to exist in
the United States

b) Any herd owner, flock owner, veterinarian or other person having knowledge of the disease, failing to report a suspect case of any of the above diseases immediately after discovery, or who is responsible for the spread of the disease, shall be subject to penalty as provided by law.

c) Reports of any of the above diseases shall be made to the Division, telephone 217/782-4944.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 85.15 Truck Cleaning and Disinfection

Any truck or other conveyance in which diseased livestock is transported shall be cleaned and disinfected immediately after the diseased livestock is unloaded as prescribed in the Code of Federal Regulations (9 CFR 71.7, 71.10-71.12; 1991 ~~1989~~).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 85.75 Cattle Scabies -- Additional Requirements on Cattle from Certain Designated Areas

a) A prior permit must be obtained from the Division before cattle, except those consigned direct to slaughter, may enter Illinois from certain designated areas determined to have high incidence of cattle scabies. The Director of the Department shall have authority to specify the designated areas from which movement of cattle into Illinois will be restricted.

b) Cattle from such areas, except those consigned to a recognized exhibition and moved from Illinois following exhibition (county and State fairs, other State-supported exhibitions, and breed registry exhibitions); dairy cattle; or those consigned direct to slaughter, shall be dipped for cattle scabies within 10 days prior to entry or treated in accordance with the procedures as set forth in 9 CFR 73.12 (1991 ~~1989~~).

c) Each such animal shall be treated with a solution of approved acaricide and water or other method of treatment approved by the United States Department of Agriculture (9 CFR 73.10 and 73.12; 1991 ~~1989~~).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 85.80 Sheep

a) All sheep entering Illinois for breeding, exhibition or feeding purposes, except for sheep consigned directly to a livestock auction market, shall be accompanied by an official health certificate. The health certificate shall indicate the sheep were examined within 60 ~~30~~ days prior to entry and found free of any infectious or communicable disease and that they have not recently been exposed thereto.

b) Any sheep which shows lesions of contagious ecthyma (sore mouth) shall not be exhibited in the State and must be removed immediately from the exhibition area.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 85.100 Consignments to Stockyards, Recognized Slaughtering Centers, or Marketing Centers

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a) All out-of-state livestock consigned to a public stockyard, recognized slaughtering center, or marketing center shall be accompanied from point of origin by a permit issued by the Division, or by a consignment issued by the owner or shipper of the livestock, designating the name of the owner or shipper, place of origin, public stockyard, recognized slaughtering center, or marketing center of destination, date of shipment, and number and description of livestock.

b) A copy of the consignment shall be held by the public stockyard, recognized slaughtering center, or marketing center for a period of not less than 6 months for inspection by legally authorized officials of the United States Department of Agriculture, and the Illinois Department of Agriculture, and other officials having police powers. (See Section 1 of the Livestock Auction Market Law (Ill. Rev. Stat. 1989 1987, ch. 121 1/2, par. 208)).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 85.115 Salmonella enteritidis serotype enteritidis

a) The United States Department of Agriculture has declared Salmonella enteritidis serotype enteritidis as a communicable disease in poultry. The rules pertaining to Salmonella enteritidis serotype enteritidis located at 9 CFR 82.30-82.36 (1991; amended at 56 FR 3730, effective January 30, 1991, and 56 FR 11061, effective March 11, 1991 ~~55 FR 5576, February 16, 1990; amended at 55 FR 11858, effective February 16, 1990~~) are hereby adopted for the State of Illinois. The flocks affected by these regulations are those identified in 9 CFR 82.31.

b) All flocks found to be infected with Salmonella enteritidis serotype enteritidis shall be quarantined. The quarantine shall remain in effect until the flock has been depopulated and premises disinfected as prescribed in 9 CFR 82.32(c) or the entire flock is tested negative for Salmonella enteritidis serotype enteritidis in accordance with the provisions of 9 CFR 82.32(e).

c) Interstate movement of poultry, eggs, equipment and manure from infected or test flocks shall be as specified in 9 CFR 82.33. Intrastate movement requirements shall be the same as interstate movement requirements.

d) If a flock is determined to be an infected flock as defined in 9 CFR 82.32(c), the Department shall pay indemnity if State funds are available and all of the following conditions are met:

- 1) The infected flock is implicated through epidemiological evidence in a human disease outbreak;
- 2) The flock owner voluntarily agrees to depopulate with appropriate State indemnity;
- 3) The entire flock which is to be depopulated shall have originated from a flock that is classified "U.S. Sanitation Monitored" under the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145 and 147, 1991 1989);
- 4) The flock owner must have been feeding the infected flock in accordance with the provisions of the National Poultry Improvement Plan and Auxiliary Provisions (9 CFR 145.23(d), 1991 1989);

5) The infected flock shall be slaughtered in accordance with 9 CFR 82.33(b). Proof of kill will be reported to the Department by the meat and poultry inspector of the slaughtering establishment where the infected poultry is slaughtered;

6) The premises has been disinfected in accordance with 9 CFR 82.32(c); and

7) Replacement poultry shall be from flocks that are classified "U.S. Sanitation Monitored" under the National Poultry Improvement Plan and Auxiliary Provisions.

e) The amount of indemnity paid, based on the availability of State funds, shall be 75 percent of the fair market value and the health thereof at the time of slaughter, minus the salvage value. The following conditions shall be considered when determining the fair market value and health of the infected flock:

- 1) Initial purchase price of each bird;
- 2) Age of the bird and its egg production capabilities or value for producing progeny; and

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3) Feed and veterinary medical production costs as justified by documentation by the flock owner in the form of sales receipts and veterinary bills.

f) The Department and the infected flock owner must agree upon the value of the poultry destroyed, and in the case as agreement cannot be made, indemnity will not be paid for the flock.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 85.120 Cervidae

a) All cervidae (deer and elk) entering Illinois shall comply with the following:

1) Be negative to a single cervical test using 0.1 PPD Bovis tuberculin in the midcervical region with reading by observation and palpation at 72 hours, plus or minus 6 hours within 60 days, for all animals 6 months of age and over; and

2) Be accompanied by a Certificate of Veterinary Inspection issued by an accredited veterinarian within 30 days of importation.

b) In addition to the above requirements, elk entering Illinois shall be negative to a brucellosis card test conducted within 60 days on all animals 6 months of age and over.

(Source: Added at 16 Ill. Reg. _____, effective _____)

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1) Heading of Part: Hatcheries, Poultry Flocks, and Produce Thereof

2) Code Citation: 8 Ill. Adm. Code 55

3) Section Numbers: Proposed Action:
55.10 Amendment
55.40 Amendment
55.45 Amendment
55.50 Amendment
55.90 Amendment
55.100 Amendment

4) Statutory Authority: "AN ACT in relation to hatcheries, poultry flocks and the produce thereof" (Ill. Rev. Stat. 1989, ch. 8, pars. 131.1, 132.1, 132.3, 132.4, and P.A. 87-161, effective January 1, 1992).

5) A Complete Description of the Subjects and Issues Involved:
The Authority Note is amended by adding reference to the latest Public Act, which amended "AN ACT in relation to hatcheries, poultry flocks and the produce thereof".

In Section 55.10, we are clarifying the importation and movement requirements for poultry and hatching eggs. All poultry or hatching eggs entering or moving within Illinois must be accompanied by a Report of Sales of Hatching eggs, Chicks and Poults (VS Form 9-3) or be accompanied by a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin which states that the poultry originated from a flock that has been tested negative for pullorum and typhoid diseases. Also, current terminology in use by the industry no longer refers to such documents as labels and invoices.

All flocks that are members of the National Poultry Improvement Plan (NPIP) will have the VS Form 9-3 as they are given to the flock owners when they become members of the Plan. Those flocks that are not members of the National Poultry Improvement Plan must have a Certificate of Veterinary Inspection and be tested negative for pullorum and typhoid diseases. NPIP member flocks test annually for pullorum and typhoid.

The requirement for U.S. Sanitation Monitored status is now a legislative mandate (P.A. 87-161) and is being reiterated so that all the import regulations for poultry, except for turkeys, appear in one section. This requirement will prevent a hatchery in Illinois from selling baby chicks from

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an infected flock or source. The requirements for intrastate movement will be the same as for U.S. Department of Agriculture's requirements for interstate movement.

All Illinois table egg type hatchery flocks are currently members of the NPIP.

Amendments throughout various sections update references to Federal rule citations by adopting the latest printed text. The updating of these federal rule cites are housekeeping in nature. It is easier for the public to locate recent versions rather than older versions.

In Section 55.100, we have updated reference to the latest printed version of the Illinois Revised Statutes. This is a housekeeping amendment.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? None requiring JCAR prior approval in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

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The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
March 2, 1992

B) Types of small businesses affected: Persons engaged in poultry, table egg, or hatching egg production.

C) Reporting, bookkeeping or other procedures required for compliance: The amendments update cites to statutory and federal rule references. These amendments should not impose in additional compliance requirements.

Persons shipping poultry or hatching eggs into or within Illinois must obtain VS Form 9-3 or a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin. Also, all poultry or hatching eggs entering or moving within Illinois for table egg production shall originate from a flock that meets the U.S. Sanitation Monitored requirements under the National Poultry Improvement Plan and its Auxiliary Provisions.

D) Types of professional skills necessary for compliance:
Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page:

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TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT
AND POULTRY INSPECTION ACT REGULATIONS)

PART 55

HATCHERIES, POULTRY FLOCKS, AND PRODUCE THEREOF

Section

- 55.5 Definitions
- 55.10 Shipments of Poultry or Hatching Eggs
- 55.20 Infected Flock
- 55.30 Classification of Flock
- 55.40 Breeding Poultry
- 55.45 Turkeys
- 55.50 Persons Who May Perform the Test
- 55.60 Inspection
- 55.70 Show and Exhibition Birds
- 55.80 Banding
- 55.90 Sanitation
- 55.100 Administrative Hearing

AUTHORITY: Implementing and authorized by "AN ACT in relation to hatcheries, poultry flocks and the produce thereof" (Ill. Rev. Stat. 1989 1983, ch. 8, par. 131 et seq., as amended by P.A. 87-161, effective January 1, 1992).

SOURCE: Regulations Relating to Hatcheries, Poultry Flocks, and the Produce Thereof, filed January 17, 1972, effective January 27, 1972; 3 Ill. Reg. 33, p. 343, effective August 17, 1979; codified at 5 Ill. Reg. 10446; amended at 8 Ill. Reg. 5929, effective April 23, 1984; amended at 9 Ill. Reg. 18423, effective November 19, 1985; amended at 16 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

Section 55.10 Shipments of Poultry or Hatching Eggs

- a) All shipments of poultry or hatching eggs entering or moving within Illinois shall:

- 1) be accompanied by a "Report of Sales of Hatching Eggs, Chicks and Poults" (VS Form 9-3); or
- 2) be accompanied by a Certificate of Veterinary Inspection approved by the chief livestock official of the state of origin which states that the poultry originated from a flock that has been tested for

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pullorum and typhoid diseases within one year and was free of reactors to these diseases.

- b) In addition to the above requirements, all poultry or hatching eggs entering or moving within Illinois for table egg production shall originate from a flock that meets the U.S. Sanitation Monitored requirements under the National Poultry Improvement Plan (9 CFR 145, 1991) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147, 1991). Incorporation of federal rules does not include later amendments or editions.

~~All shipments of poultry or hatching eggs must be accompanied by a label or invoice stating the pullorum-typhoid status.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 55.40 Breeding Poultry

- a) All breeding poultry (20 weeks of age or older) must be tested and comply with the National Poultry Improvement Plan (9 CFR 145 (1991 1985-50 FR-19897, effective June-12-1985)) and Auxiliary Provisions on National Poultry Improvement Plan (9 CFR 147 (1991 1985-50 FR-19897, effective June-12-1985)) for pullorum-typhoid. The Department participates in the National Poultry Improvement Plan as an Official State Agency cooperating through a Memorandum of Understanding. Incorporation of federal rules does not include later amendments or editions.

- b) The Department only requires compliance with the expressed requirements of the National Poultry Improvement Plan in order for a participant to be in compliance with the Plan, except as provided for in this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 55.45 Turkeys

- a) All turkeys entering Illinois and not consigned to slaughter must originate from flocks or hatcheries that are officially classified as U. S. Mycoplasma Gallisepticum Clean in accordance with the provisions of the National Poultry Improvement Plan (9 CFR 145.43(c)(1991 1985)) or be negative to a test for Mycoplasma gallisepticum within 30 days prior to entry. Incorporation by reference shall not include later amendments or editions beyond the date

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specified.

- b) Hatching eggs entering Illinois shall originate from hatcheries or flocks that are officially classified as U. S. Mycoplasma Gallisepticum Clean.
- c) Turkeys and hatching eggs entering Illinois shall be accompanied by a health certificate which shall indicate either that the turkeys are negative to a test for Mycoplasma gallisepticum or that they originated from U. S. Mycoplasma Gallisepticum Clean flocks or hatcheries.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 55.50 Persons Who May Perform the Test

Persons officially approved by the Department may perform the stained-antigen, rapid, whole-blood test for pullorum-typhoid. Approval shall be given by the Department after the applicant has orally described and physically demonstrated proper testing procedures (found at 9 CFR 147.3 (1991-1994)) to Department inspectors, veterinarians or laboratory personnel and has correctly interpreted test results. Each individual authorized to perform the test in the State will be sent a card showing their authorization to perform the test.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 55.90 Sanitation

Participants in the National Poultry Improvement Plan shall comply with the sanitation requirements prescribed in Subpart C of 9 CFR 147 (1991-1994), except that the Department accepts any fumigant that is registered by the United States Environmental Protection Agency and for which the manufacturer's label specifies the product is for egg sanitation or cleaning of poultry equipment.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 55.100 Administrative Hearing

All decisions and actions of the Department are subject to the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989-1993, ch. 127, par. 1001 et seq.) and the Department's Administrative Rules (8 Ill. Adm. Code 1) which pertain to administrative hearings, petitions, proceedings, contested cases, declaratory

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rulings and availability of Department files for public access. Administrative hearings are governed by the Illinois Administrative Procedure Act and Subpart B of the Department's Administrative Rules.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Illinois Dead Animal Disposal Act
- 2) Code Citation: 8 Ill. Adm. Code 90
- 3) Section Numbers: Proposed Action:
90.5 New Section
90.110 Amendment
- 4) Statutory Authority: Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1989, ch. 8, pars. 160 and 165).
- 5) A Complete Description of the Subjects and Issues Involved:
A Definitions Section (Section 90.5) has been added to define terms used in new Section 90.110.

The latest printed version of the Illinois Revised Statutes is being adopted in Section 90.110. This is a housekeeping change.

Also, in Section 90.110, the Department has been requested by persons involved in poultry production to allow the disposal of dead birds by composting. The proposed new Section sets forth composting requirements that must be complied with in order to protect the environment and achieve a decomposed product.

The regulatory subcommittee of the Aquaculture Committee approved a proposal similar to the poultry composting provisions that will apply to persons engaged in aquaculture production.

Research done at universities in several states indicates that composting dead poultry or fish can be a viable alternative to other disposal methods. An incinerator is costly to buy, operate and maintain. When burying poultry or fish, precaution must be taken to avoid groundwater contamination and the possible spread of disease. Further, there are only three rendering establishments in the State, and it is becoming increasingly costly to render poultry or fish.

Composting of dead poultry has been proved to de-activate Avian Influenza. Composting residue can be used as a valuable fertilizer.
- 6) Will these proposed amendments replace emergency amendments currently in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Do these proposed amendments contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.
- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 2, 1992

B) Types of small businesses affected: Persons engaged in poultry or aquaculture production.

C) Reporting, bookkeeping or other procedures required for compliance:

The amendments add definitions and update a cite to a statutory reference, which should not impose in additional compliance requirements.

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Persons engaged in poultry or aquaculture production may elect to dispose of dead bodies by composting. The composting requirements that must be complied with are outlined.

- D) Types of professional skills necessary for compliance:
Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page.

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TITLE 8: AGRICULTURE AND ANIMALS
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AND POULTRY INSPECTION ACT REGULATIONS)

PART 90

ILLINOIS DEAD ANIMAL DISPOSAL ACT

Section

Definitions

90.5	Plant Facilities
90.10	Plant Premises
90.20	Annual Truck Permits (Repealed)
90.30	Truck Operator's Records (Repealed)
90.40	Odors and Insects Shall Be Controlled
90.50	Salmonella Control For Renderers and Blenders
90.60	Inspection of Premise (Repealed)
90.70	Identification of Receipts
90.80	Records (Repealed)
90.90	Transportation and Transactions (Repealed)
90.100	On-The-Farm Disposal
90.110	Collection Center
90.120	Disposal By Collection Center of Unusable Materials

AUTHORITY: Implementing and authorized by the Illinois Dead Animal Disposal Act (Ill. Rev. Stat. 1989 1987, ch. 8, par. 149.1 et seq.).

SOURCE: Regulations Relating to the Disposal of Dead Animals, filed January 17, 1972, effective January 27, 1972; filed December 6, 1972, effective December 16, 1972; codified at 5 Ill. Reg. 10458; amended at 7 Ill. Reg. 852, effective January 10, 1983; amended at 8 Ill. Reg. 5937, effective April 23, 1984; amended at 13 Ill. Reg. 3681, effective March 13, 1989; amended at 16 Ill. Reg. _____, effective _____.

Section 90.5 Definitions

For the purposes of this Part, the following definitions shall apply:

"Compost" means the humus-like product of the process of composting waste, which may be used as a soil conditioner.

"Composting" means the biological treatment process by which microorganisms decompose the organic fraction of waste, producing compost.

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"Fish" means all aquatic life and the parts or waste thereof.

"Poultry" means chickens, turkeys, domestic game birds, and domestic water fowl.

"Poultry litter" means a nitrogen source such as manure or cake (i.e., the wet, compact crust that forms around feeders and waterers or litter such as found in layer operations and slatted-floor breeders).

"Straw" or "bulking agent" means straw or any alternative carbon source including, but not limited to, corn stover, soybean pods and trash, hay, sawdust, grass clippings, rice and peanut hulls, tomatoes, peat moss, pomace of grapes, wood chips, bark, shredded brush, and leaves.

(Source: Added at 16 Ill. Reg. _____, effective _____)

Section 90.110 On-The-Farm Disposal

Persons disposing of animals, poultry, fish, or parts of bodies thereof, other than to a licensed renderer, shall comply with the following:

- a) Disposal by Burning
 - 1) No open burning will be permitted.
 - 2) Any disposal by burning must be performed with an incinerator that is in compliance with the Illinois Environmental Protection Act (Ill. Rev. Stat. 1989 1987, ch. 111 1/2, par. 1001 et seq.).
- b) Disposal by Burying
 - 1) Location shall be in an area where runoff will not contaminate water supplies.
 - 2) Depth shall be sufficient to allow at least a six-inch compacted soil cover over the uppermost part of the carcass.
 - 3) The abdominal cavity of large carcasses shall be punctured to allow escape of putrefactive gasses.
 - 4) Lime or other chemical agent shall not be used to

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prevent decomposition.

- 5) Precautions shall be taken at the site of burial necessary to prevent any disturbance by animal or mechanical means.
- 6) If a disposal pit is employed for daily or routine deposits, there shall be a minimum six-inch compacted soil cover after each deposition.

- 7) Any disposal by burial shall also be in compliance with the Illinois Environmental Protection Act. Persons should contact the Illinois Environmental Protection Agency for cites to the requirements.

- c) Disposal of poultry by composting. Persons disposing of poultry by means of composting shall comply with the following requirements:

- 1) The composter shall meet the following criteria:

- A) A roof shall cover the entire composting area.
- B) An impervious, weight-bearing foundation such as concrete shall be used.
- C) Rot-resistant building materials such as preservative-treated lumber shall be used.
- D) The composter shall consist of primary and secondary bins.
- E) The size of the composter shall be based on the farm's projected mortality rate of poultry, in which one pound of dead poultry per cubic foot of primary compost space per day is provided.

- 2) Composting shall comply with the following guidelines:

- A) A mixture of one part dead poultry (by weight), one and one-half part poultry litter, and one-tenth part of straw shall be used. For example: 400 pounds of dead poultry will require 600 pounds of poultry litter and 40 pounds of straw.
- B) Layering shall be done in the following order, starting from the floor: (First layer) Straw, poultry litter, straw, birds, and poultry litter.

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Second and subsequent layers: straw, birds, and poultry litter.

- C) A 36-inch probe-type thermometer shall be inserted daily into the pile to check the temperature. Within two to four days, the temperature should peak between 135° F. and 150° F.
- D) Once the temperature begins to fall from the peak (normally 7 to 10 days), the material shall be removed to the secondary treatment bin.
- E) After 7 to 10 days in the secondary bin, the compost may be agronomically distributed over land under cultivation or reused in the composting process. For the purpose of this subsection, the agronomic rate is the annual application rate of poultry compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

- 3) The composted material may be substituted for up to one-half of the poultry litter and one-half of the straw.

- d) Disposal of fish by composting. Persons disposing of fish by means of composting shall comply with the following requirements:

- 1) The compostor shall meet the following criteria:

- A) A roof shall cover the entire composting area.
- B) An impervious, weight-bearing foundation such as concrete shall be used.
- C) Rot-resistant building materials such as preservative-treated lumber shall be used.

- 2) The base layer shall meet the following criteria:

- A) Use 6 to 12 inches thick of a bulking agent.
- B) Be no more than 6 to 8 feet wide, but as long as necessary to accommodate the day's supply of

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compost material.

- 3) Composting shall meet the following guidelines:

- A) Composting layer shall consist of a mixture of one part fish, three parts bulking agent and one part recycled compost (if available) or bulking agent and shall be mixed prior to use in the composting layer.

- B) The cover layer shall consist of two parts bulking agent and two parts recycled compost (if available) or two parts bulking agent and should reach a thickness of 6 to 12 inches.

- C) Layering shall be done in the following order starting from the concrete: base layer, composting layer (fish, bulking agent and recycled compost), and cover layer. The composting and cover layers are piled on top of the base layer to form a trapezoid no higher than 4 feet.

- D) Additions to the compost pile are done by adding new material to the end of the pile.

- E) A probe-type thermometer shall be inserted daily into the pile to check the temperature. The temperature should peak between 140° F. and 165° F. The material can be recycled after it has composted for at least 2 to 3 weeks, and its temperature has dropped to air temperature.

- F) After the temperature has dropped to air temperature (normally 2 to 3 weeks), the composted material may be used in the composting layer, or after one month, the composted material may be agronomically distributed over land under cultivation or reused in the cover layer. For the purpose of this subsection, the agronomic rate is the annual application rate of fish compost, either alone or in combination with other nutrient supplying materials, that is necessary to achieve a reasonable crop yield without exceeding crop nutrient requirements.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Illinois Pseudorabies Control Act
- 2) Code Citation: 8 Ill. Adm. Code 115
- 3) Section Numbers: Proposed Action:
 115.10 Amendment
 115.20 Amendment
 115.30 Amendment
 115.50 Amendment
 115.70 Amendment
 115.80 Amendment
 115.100 Amendment

- 4) Statutory Authority: Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1989, Ch. 8, pars. 801.1, 805, as amended by P.A. 87-157, effective January 1, 1992, 805.1, and 811).

- 5) A Complete Description of the Subjects and Issues Involved:
 The amendments update references to statutory citations by adopting the latest printed Illinois Revised Statutes and by adding a cite to a Public Act, which amended the Illinois Pseudorabies Control Act. Further, the amendments cite the latest published text of the Code of Federal Regulations, which is the 1991 book, and eliminate any reference to Federal Register amendments to federal rules which are incorporated in the 1991 CFR. These statutory and CFR amendments are housekeeping in nature. It is easier for the public to locate recent publications rather than older versions.

The official name for a pseudorabies controlled vaccinated herd is now a pseudorabies negative gene-altered vaccinated herd. The amendments adopt the nationally-recognized name so as to be consistent with the national program and to avoid confusion.

In Section 115.20(b), the amendment will permit livestock auction markets that have facilities to completely separate slaughter swine from breeding and feeding swine to receive pseudorabies quarantined swine for slaughter. This amendment will benefit the swine producer and the livestock auction markets.

These amendments were reviewed and approved by the Department of Agriculture's Pseudorabies Advisory Committee on November 1, 1990.

In Section 115.80(a)(3), we are updating reference to the latest printed version of the Pseudorabies Eradication State-

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Federal-Industry Program Standards. This amendment is intended to keep Illinois' pseudorabies program current with the national program.

In Section 115.100, the amendment requires the management of the Illinois slaughter facility to, upon written request from the Department or the U.S. Department of Agriculture, provide for or permit the collection of blood samples from breeding swine for testing from the identified swine. The amendment will permit surveillance of Illinois breeding swine herds in order to detect the presence of Pseudorabies infection.

- 6) Will these proposed amendments replace emergency amendments currently in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? None requiring JCAR approval in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:

A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small

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businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 2, 1992

B) Types of small businesses affected: Producer of swine; livestock auction markets and slaughtering facilities.

C) Reporting, bookkeeping or other procedures required for compliance: The amendments update cites to statutory references and federal rules. Further, the amendments change the name of the pseudorabies controlled vaccinated herd. These amendments should not impose in additional compliance requirements.

A livestock auction market may deal in breeding and feeding swine and slaughter swine as long as the slaughter swine are separated from the breeding and feeding swine. Since the markets already have the ability to separate the animals, this amendment should have minor impact.

Since feeder swine are already subject to additional testing requirements for pseudorabies if they originate from a state or a portion of a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-Industry Program Standards, the adoption of the latest publication of the pseudorabies program should not impose additional compliance requirements.

If breeding swine are slaughtered in Illinois, the management of the Illinois slaughtering facility shall, upon written request from the Department or the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

D) Types of professional skills necessary for compliance: Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 115

ILLINOIS PSEUDORABIES CONTROL ACT

Section

115.10 Definitions

115.15 Incorporation by Reference

115.20 Pseudorabies Quarantines

115.30 General Requirements for Qualified Pseudorabies Negative, Negative Gene-Altered Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds

115.40 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds

115.50 Requirements for Establishing and Maintaining Pseudorabies Negative Gene-Altered Controlled Vaccinated Swine Herds

115.60 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds

115.70 Pseudorabies Test Requirements for Intrastate Movement

115.80 Pseudorabies Testing of Feeder Swine

115.90 Feeder Swine

115.100 Breeding Animals Consigned to Slaughter

AUTHORITY: Implementing and authorized by the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1989, ch. 8, par. 801 et seq., as amended by P.A. 87-157, effective January 1, 1992).

SOURCE: Adopted at 12 Ill. Reg. 3394, effective January 22, 1988; amended at 13 Ill. Reg. 3685, effective March 13, 1989; amended at 14 Ill. Reg. 1935, effective January 19, 1990; amended at 14 Ill. Reg. 5065, effective March 21, 1990; amended at 14 Ill. Reg. 15318, effective September 10, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 115.10 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1989 1987, ch. 8, par. 801 et seq., as amended by P.A. 87-157, effective January 1, 1992).

"Official test" or "test" means any serologic test for the

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detection of pseudorabies (serum neutralization (SN), for example) as approved by the United States Department of Agriculture (9 CFR 85.1, 1991 1988) and conducted in an approved laboratory.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 115.20 Pseudorabies Quarantines

a) When pseudorabies has been diagnosed in a swine herd, such herd shall be placed under quarantine when:

- 1) It has been determined that there have been multiple swine deaths on the premises that are attributable to pseudorabies AND that swine are actually ill of a disease clinically diagnosed as pseudorabies; OR
- 2) Pseudorabies (Aujeszky's disease) has been confirmed by diagnosis by an approved laboratory; OR

3) One or more swine are positive to an official test for pseudorabies. Positive swine may be retested once. The results of the retest will be considered final.

b) Quarantined animals shall not be sold, loaned or traded except for slaughter. Such swine may be shipped to any market, except those which release swine for breeding or feeding purposes which do not have complete separation in space and usage of slaughter swine from breeding and feeding swine. Examples of markets which shall not receive such swine for slaughter are livestock auction markets which do not have complete separation in space and usage of slaughter swine from breeding and feeding swine, other markets licensed as feeder swine dealers, or order buyers and other slaughter buyers releasing swine for breeding or feeding purposes.

c) Pseudorabies quarantines shall be released when:

- 1) All swine on the premises have been shipped to slaughter, the premises have been cleaned and disinfected, and the premises have remained vacant for at least 30 days; OR
- 2) Two negative official pseudorabies tests at least 90 days apart have been obtained on a representative sample of the breeding swine in the herd 6 months of

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maintenance testing and the herd involved shall also be subject to the requirements of Section 115.20.

- f) Swine maintained as feeder swine on the same premises as these herds must be farrowed on the farm, OR must enter the premises under the provisions required for breeding swine in 8 Ill. Adm. Code 105.30 or Section 115.70 of this Part.
- g) The owner shall annually provide the breed of animals, method of identification, and inventory of the herd and agree to abide by the rules of this Part.
- h) Testing and/or vaccinating costs shall be at the expense of the owner. The Department shall not be responsible for any damage or loss incurred as a result of testing and/or vaccination.
- i) The owner shall permit authorized representatives of the Department to inspect the premises and the herd.
- j) Failure to meet the requirements for maintenance of a certificate shall result in its revocation.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 115.50 Requirements for Establishing and Maintaining Pseudorabies Negative Gene-Altered ~~Controlled~~ Vaccinated Swine Herds

a) Initial Requirements:

- 1) Herds which are not under quarantine for pseudorabies shall be granted pseudorabies negative gene-altered ~~controlled~~ vaccinated herd status upon completion of one negative herd test of all breeding swine 6 months of age and over provided the entire herd of swine 10 months of age and over are vaccinated with a pseudorabies vaccine licensed by the U. S. Department of Agriculture and administered under the supervision of an accredited veterinarian within 15 days after such test or the herd is currently approved as a qualified pseudorabies negative herd (see Sections 115.30 and 115.40). The vaccine shall be a product for which there is a laboratory test available to differentiate between vaccine and field infection titers.

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- 2) A minimum of 90 percent of the herd shall have been on the premises for at least 90 days OR originate directly from a qualified pseudorabies negative swine herd or from another pseudorabies negative gene-altered ~~controlled~~ vaccinated herd.
- 3) If positive swine are disclosed in a herd in the process of becoming a pseudorabies negative gene-altered ~~controlled~~ vaccinated herd, the positive swine shall be immediately isolated from the remainder of the herd and may be retested at the owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titers, the herd shall then be granted pseudorabies negative gene-altered ~~controlled~~ vaccinated herd status. If the swine are determined to be infected with field virus, the positive swine shall be disposed of for slaughter OR be maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine. The herd shall then be granted pseudorabies negative gene-altered ~~controlled~~ vaccinated herd status when it has complied with the provisions of subsection (a)(1).

b) Maintenance Requirements:

- 1) Pseudorabies negative gene-altered ~~controlled~~ vaccinated herd status shall be maintained continuously by a negative retest of 25 percent of the qualified herd at approximately each 90 days (80-105 days) OR 10 percent of the qualified herd at approximately each 30 days (25-35 days). Breeding stock in the herd 6 months of age and over, in a breeding herd on the date of the maintenance test shall be included in the 90- or 30-day test. The same animals shall not be retested for requalification purposes in any 12-month period, except during the first 12-month period following the initial qualification test. If the members of the qualified herd are maintained on more than one premises, 25 or 10 percent of the swine on each premises shall be retested as required. If the 25 or 10 percent retests are not conducted when due, the requalification requirements shall then be the same as for initial

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qualification.

- 2) Offspring to be retained in a pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd as breeding swine shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with an approved vaccine in accordance with subsection (a)(1) within 15 days after such test.
- 3) If positive swine are disclosed on a maintenance test, or on a test for any other purpose, pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd status shall be suspended. Positive swine shall be immediately isolated from the remainder of the herd and may be retested at owner's expense with the special laboratory test designated to determine vaccination titers from field exposure. If the swine are determined to be positive only as a result of vaccination titer, the pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd status will be restored. If the swine are determined to be infected with field virus, they shall be disposed of for slaughter OR maintained on another premises separate and apart from that where the negative swine are maintained. The premises shall be cleaned and disinfected following removal of the positive swine and a retest conducted in 30 days on all unvaccinated swine 16 weeks of age and over. If this 30-day retest is negative, then all swine 16 weeks of age and over shall be retested again at the end of 30 days (60 days following removal of positive swine) and, if negative, pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd status shall be reinstated.

c) Additions:

- 1) Swine from any qualified pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd may enter an Illinois pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd without test and shall be vaccinated in accordance with subsection (a)(1) within 30 days of entry into the herd.
- 2) Pseudorabies vaccinated swine originating from another pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd may enter an Illinois pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd upon evidence of a negative official test for pseudorabies

conducted within 60 days prior to entry from another Illinois herd and within 30 days prior to entry from another state.

- 3) Unvaccinated swine originating from an Illinois pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd may enter another Illinois pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd without a pseudorabies test and shall be vaccinated in accordance with subsection (a)(1) within 30 days of entry into the herd.
- 4) Swine originating from other than an Illinois pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd OR a qualified pseudorabies negative herd shall be negative to an official test for pseudorabies conducted within 60 days prior to entry into the herd from another Illinois herd and within 30 days prior to entry from another state. All such swine shall be held in isolation from the other members of the pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd, and shall be retested and negative to an official test for pseudorabies not less than 30 nor more than 60 days following entry. Swine shall then be vaccinated in accordance with subsection (a)(1) within 30 days of entry into the herd.
- 5) Swine from a pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd which are exhibited or are otherwise commingled with swine from any other herd shall be held in isolation on the herd premises for a minimum of 30 days after return AND shall be tested and negative to an official test for pseudorabies before being reunited with other members of the pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd.
- 6) Additions to a pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd shall be tested and negative to an official test for pseudorabies upon reaching 10 months of age and shall then be vaccinated against pseudorabies with a pseudorabies vaccine in accordance with subsection (a)(1).

- d) Sales: Pseudorabies vaccinated swine originating from a pseudorabies negative gene-altered ~~contaminated~~ vaccinated herd may be loaned, leased, traded, or sold for breeding purposes within Illinois; provided, the purchaser is

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informed that the swine are from a pseudorabies negative
gene-altered ~~certified~~ vaccinated herd.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 115.70 Pseudorabies Test Requirements for Intrastate Movement

No person shall lease, loan, trade, exhibit, or sell any swine 4 months of age and over for breeding purposes, or offer or receive the services of any male swine for breeding purposes, unless such swine are accompanied by a health certificate, or an official pseudorabies test chart, or photocopy of such chart, showing that the swine have been tested and negative to an official test for pseudorabies within 60 days prior to the date of such transaction, with the test being recognized for one change of ownership or premises within the 60-day period, OR showing that the swine originated from a qualified pseudorabies negative herd OR showing that the swine are unvaccinated swine originating from an Illinois pseudorabies negative gene-altered ~~certified~~ vaccinated herd.

Section 115.80 Pseudorabies Testing of Feeder Swine

a) Swine for feeding purposes shall, in addition to complying with the other requirements of this Part and 8 Ill. Adm. Code 105.10, enter or move within Illinois without further testing requirements for pseudorabies if:

- 1) The swine are from a qualified pseudorabies negative herd, a pseudorabies negative gene-altered ~~certified~~ vaccinated herd, or a feeder swine pseudorabies monitored herd; or
- 2) The swine are from a herd in which a representative sample of animals 6 months of age and over have been tested and are negative to an official serological test for pseudorabies within the preceding 12 months. In herds of 35 animals or less, a representative sample is all swine 6 months of age and over or at least 10 animals, whichever is less. In herds of 36 animals or more, a representative sample is a minimum of 30 percent or 30 animals that are 6 months of age and over, whichever is less; or
- 3) The swine originate from a state or a portion of a state that has been classified as Stage III, IV or V under the Pseudorabies Eradication State-Federal-

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Industry Program Standards (June, 1991 April, 1989) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176).

- b) Swine tested for pseudorabies under a market swine testing program (Section 115.100) shall be included in the representative sample required in subsection (a)(2).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 115.100 Breeding Animals Consigned to Slaughter

Before being mixed with swine from any other source, all breeding animals consigned to slaughter or offered for sale for slaughter shall be identified to the herd of origin by an approved identification tag in accordance with the Swine Identification Program (9 CFR 78.33, 1991 1987, 52 FR 33798, effective October 8, 1987). The tag shall be applied to the back of the neck of each animal. A report of such identification shall be made on forms provided by the United States Department of Agriculture and shall be submitted to the Division within 30 days of application. If such swine are slaughtered in Illinois, the management of the Illinois slaughter facility shall, upon written request from the Department or from the U.S. Department of Agriculture, provide for or permit the collection of blood samples for testing from the identified swine.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Livestock Auction Markets
- 2) Code Citation: 8 Ill. Adm. Code 40
- 3) Section Numbers: Proposed Action:
 40.5 Amendment
 40.60 Amendment
 40.100 Amendment
 40.170 Amendment
- 4) Statutory Authority: Livestock Auction Market Law (Ill. Rev. Stat. 1989, Ch. 121 1/2, pars. 215, as amended by P.A. 87-160, effective January 1, 1992, 215d, 218, and P.A. 87-172, effective August 26, 1991); Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1989, ch. 8, pars. 134.9, 139.5, 138, and 148a, as amended by P.A. 87-160, effective January 1, 1992); Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1989, ch. 8, par. 148g).

5) A Complete Description of the Subjects and Issues Involved:
 The amendments update references to statutory citations by adopting the latest printed Illinois Revised Statutes and by adding cites to Public Acts, which amended the Livestock Auction Market Law. These statutory cite amendments are housekeeping in nature. It is easier for the public to locate recent versions rather than older versions.

In Section 40.100, the amendment changes the bovine brucellosis testing age for bulls. P.A. 87-160 changed the brucellosis testing age for bulls from 6 months to bulls more than 18 months of age. Bulls 18 months of age and under are not considered as factors in the transmission of bovine brucellosis.

In Section 40.170, the requirements that the purchaser of swine must furnish a certificate of inspection at the time of purchase and what information must appear on the certificate are repealed. The certificate is no longer necessary as the herd of origin is monitored through the pseudorabies regulations, which require the testing of a percentage of the breeding herd of origin. This deletion will reduce paperwork at the livestock auction markets.

- 6) Will these proposed amendments replace emergency amendments currently in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by

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reference? No.

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.
- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking: A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 2, 1992

B) Types of small businesses affected: Bovine and swine producers; livestock auction markets.

C) Reporting, bookkeeping or other procedures required for compliance: The amendments update cites to statutory references. These amendments should not impose in additional compliance requirements.

The bovine brucellosis testing age for bulls is changed from 6 months to bulls more than 18 months of age. The amendment delays the testing dates.

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The purchaser of swine no longer needs to furnish a certificate of inspection at the time of purchase and the information that must appear on such certificate is repealed.

D1 Types of professional skills necessary for compliance:
Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER I: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS (EXCEPT MEAT
AND POULTRY INSPECTION ACT REGULATIONS)

PART 40
LIVESTOCK AUCTION MARKETS

Section

40.5	Definitions
40.10	Fee to Accompany Application Not To Be Refunded
40.20	Release of Livestock for Interstate Shipment
40.30	Veterinary Inspection
40.40	Veterinary Office
40.50	Detection of Diseased Animals
40.60	Bovine Brucellosis
40.70	Quarantine Pen
40.80	The Sale of Livestock for Immediate Slaughter
40.90	Test Chute
40.100	Brucellosis Test
40.110	Sale of Official Brucellosis Calftlood Vaccinates Under 24 Months of Age
40.120	Feeder Cattle Subject to Quarantine
40.130	Backtagging
40.140	Yarding and Housing
40.150	Display License (Repealed)
40.160	Sale Day
40.170	Swine
40.180	Swine Which React to Test for Brucellosis
40.190	Sheep
40.200	Surety Bonds and Other Pledged Security
40.210	Cancellation of Escrow Agreements (Personal Bonds) (Repealed)
40.220	Swine Movement Limitations (Repealed)
40.230	Disposition of Rejected Feeding or Breeding Swine
40.240	Director To Be Named Trustee (Repealed)

AUTHORITY: Implementing and authorized by the Livestock Auction Market Law (Ill. Rev. Stat. ~~1989~~ ~~1987~~, ch. 121 1/2, par. 208 et seq., as amended by P.A. 87-172, effective August 26, 1991 and P.A. 87-160, effective January 1, 1992 ~~86-231, effective August 15, 1989~~) and Section 40.23 of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989 ~~1987~~, ch. 127, par. 40.23, ~~as amended by P.A. 86-232, effective August 15, 1989~~).

SOURCE: Regulations Relating to Livestock Auction Markets, filed January 17, 1972, effective January 27, 1972; filed May 3, 1972, effective May 13, 1972; filed December 14, 1973, effective December

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24, 1973; filed March 2, 1976, effective March 12, 1976; 2 Ill. Reg. 24, p. 73, effective June 15, 1978; codified at 5 Ill. Reg. 10442; amended at 8 Ill. Reg. 5956, effective April 23, 1984; amended at 10 Ill. Reg. 9754; effective May 21, 1986; amended at 12 Ill. Reg. 3411, effective January 22, 1988; amended at 14 Ill. Reg. 1943, effective January 19, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 40.5 Definitions

Definitions for the rules of this Part can be located in the general definitions Section (8 Ill. Adm. Code 20.1). The following definition shall also apply to the rules of this Part:

"Act" means the Livestock Auction Market Law (Ill. Rev. Stat. 1989 1987, ch. 121 1/2, par. 208 et seq., as amended by P.A. 87-172, effective August 26, 1991 and P.A. 87-160, effective January 1, 1992 86-231, effective August 15, 1989).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 40.60 Bovine Brucellosis

a) Cattle which, upon being tested for brucellosis at a livestock auction market, are classified as reactors to the official test shall be placed in the quarantine pen and sold for immediate slaughter.

b) The reactors when sold for slaughter shall be delivered to a public stockyard or recognized slaughtering establishment and be positively identified and branded as provided by Section 5 of the Illinois Bovine Brucellosis Eradication Act (Ill. Rev. Stat. 1989 1987, ch. 8, par. 138). The purchaser of the reactors shall sign a VS Form 1-27, "Permit For Movement of Animals." Illinois brucellosis reactors disclosed at other than a livestock auction market may be consigned to a livestock auction market designated as a marketing center if accompanied by official VS Form 1-27, "Permit For Movement of Animals." A new VS Form 1-27 shall be prepared by the livestock auction market veterinarian and shall accompany the reactor to slaughter.

c) When one or more brucellosis reactors are disclosed in a group of cattle, the negative cattle which have been in contact with the reactors for more than 24 hours shall be

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either returned to the farm of origin under quarantine OR shipped directly to a recognized slaughtering establishment or a public stockyard, accompanied by VS Form 1-27 to be sold for slaughter only. Unless cattle are being returned to the farm of origin, they shall be identified by an ear tag provided by the Division and by branding with a hot iron the letter "S" on the left jaw in letters not less than 2 nor more than 3 inches in height, before the cattle leave the livestock auction market.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 40.100 Brucellosis Test

a) Except when sold for slaughter or as otherwise provided in 8 Ill. Adm. Code 40.110 and 40.120, no female cattle or bulls more than 6 months of age or bulls over 18 months of age shall be sold unless such cattle have been tested for brucellosis and were found negative within 60 days prior to sale. Such test shall be recognized for one change of ownership or premises only within the 60-day period, except that such cattle may change ownership or premises one or more times in the 14-day period immediately following the negative test.

b) The livestock auction market veterinarian shall submit a copy of the Brucellosis Test Record, Market Cattle Testing Program, VS Form 4-54 and all blood samples to the State-Federal Serology Laboratory, Springfield, Illinois, following each sale.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 40.170 Swine

a) ~~The purchaser of swine shall be furnished a certificate of inspection (Form H-52) at the time of purchase. The certificate shall identify swine by breed, color, weight and right ear identification tag number or other permanent identification.~~

a) In no case shall swine remain on the livestock auction market premises for more than 10 days.

b) Out-of-state feeder swine shall enter Illinois accompanied by a health certificate and a permit (8 Ill.

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Adm. Code 105.10) and be ear tagged to show state of origin. Such swine shall move directly into Illinois from the state of origin. A report of sale shall be made within 48 hours of the time of sale (on Form 2-5) to the Division of Animal Industries, stating name and address of purchaser and number of animals purchased. Such swine shall be quarantined to the purchaser for 21 days by the Division (8 Ill. Adm. Code 105.20).

c) Ear tag identification of swine, together with the name and address of consignor and purchaser, date of sale, breed and number purchased, shall be made a part of the records of the livestock auction market before swine leave the livestock auction market.

d) In accordance with Section 2 of the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1989 1997, ch. 8, par. 148g), all breeding swine 4 months of age and over shall be negative to an official test for brucellosis within 60 days prior to sale or originate from a validated brucellosis-free herd. Such test shall be recognized for one change of ownership or premises only within the 60-day period.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Swine Disease Control and Eradication Act
- 2) Code Citation: 8 Ill. Adm. Code 105
- 3) Section Numbers: Proposed Action:
105.5 Amendment
105.10 Amendment
105.30 Amendment
105.90 New Section

4) Statutory Authority: Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1989, ch. 8, pars. 801.1, 802, 805, as amended by P.A. 87-157, effective January 1, 1992, 805.1, 807, and 811); Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1989, ch. 8, pars. 504, 511, 515), and Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1989, ch. 8, pars. 148f.7, 148f.8, 148i, 148j, and 148).

5) A Complete Description of the Subjects and Issues Involved:
The amendments update references to statutory citations by adopting the latest printed Illinois Revised Statutes. Cites to Public Acts, which amended the Illinois Pseudorabies Control Act and the Illinois Feeder Swine Dealer Licensing Act, have been added. Further, the amendments cite the latest published text of the Swine Brucellosis Eradication Uniform Methods and Rules, which is the March, 1990 book. There were no significant changes in the Swine Brucellosis Eradication Uniform Methods and Rules from the previous edition. These statutory cite updates and update of the latest published text of the Swine Brucellosis Eradication Uniform Methods and Rules are housekeeping in nature. It is easier for the public to locate recent publications rather than older versions.

Requirements have been added for the importation of feral swine entering Illinois for any reason, and a definition of feral swine is added. Feral swine pose a threat to Illinois swine as a source for both brucellosis and pseudorabies infection. These amendments will control the importation of feral swine and make them comply with testing requirements for both of the diseases.

The majority of the feral swine in the United States is located in the southern states where there is a high incidence of swine brucellosis. Further, the pseudorabies status of most of these swine is unknown.

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These amendments were reviewed and approved by the Department of Agriculture's Pseudorabies Advisory Committee on November 1, 1990.

- 6) Will these proposed amendments replace emergency amendments currently in effect?: No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? None requiring JCAR approval in accordance with Section 6.02(b) of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this part? No

- 10) Statement of Statewide Policy Objectives: This rulemaking has no effect on local governmental units.

- 11) Time, Place and Manner in which interested persons can comment on this proposed rulemaking:
A public hearing on the proposed amendments will be held on April 23, 1992, at 1:30 p.m., Department of Agriculture, State Fairgrounds, Springfield, Illinois. Persons unable to attend the hearing may present their comments on the proposed rulemaking in writing to the Director, Department of Agriculture, State Fairgrounds, Springfield, Illinois 62794-9281. Mailed comments must be postmarked no later than April 20, 1992, so they will be available for consideration at the public hearing. All comments received will be fully considered by the agency and the Advisory Board of Livestock Commissioners.

The public hearing on the proposed rulemaking will run concurrent with a public meeting of the Advisory Board of Livestock Commissioners.

The proposed rulemaking may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, small businesses may present their comments to the Director as outlined above.

- 12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: March 2, 1992

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B) Types of small businesses affected: Persons importing swine.

C) Reporting, bookkeeping or other procedures required for compliance: The amendments update cites to statutory references and to the Swine Brucellosis Eradication Uniform Methods and Rules. These amendments should not impose in additional compliance requirements.

Persons importing feral swine into Illinois will be required to have such swine tested negative for pseudorabies and brucellosis and such swine must be accompanied by an official health certificate. The official health certificate must indicate compliance with specific health requirements of Illinois.

D) Types of professional skills necessary for compliance: Basic management and recordkeeping.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

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TITLE 8: AGRICULTURE AND ANIMALS
 CHAPTER I: DEPARTMENT OF AGRICULTURE
 SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
 (EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 105
 SWINE DISEASE CONTROL AND ERADICATION ACT

Section

- 105.5 Definitions
 105.10 Swine Entering Illinois for Feeding Purposes Only
 105.20 Quarantine of Imported Feeder Swine
 105.30 Swine Entering Illinois for Breeding Purposes
 105.40 Pseudorabies (Aujeszky's Disease) in Swine (Repealed)
 105.41 General Requirements for Qualified Pseudorabies Negative, Controlled Vaccinated and Feeder Swine Pseudorabies Monitored Herds (Repealed)
 105.42 Requirements for Establishing and Maintaining Qualified Pseudorabies Negative Herds (Repealed)
 105.44 Requirements for Establishing and Maintaining Pseudorabies Controlled Vaccinated Swine Herds (Repealed)
 105.46 Requirements for Establishing and Maintaining Feeder Swine Pseudorabies Monitored Herds (Repealed)
 105.50 Official Pseudorabies Test (Repealed)
 105.60 Pseudorabies Test Requirements for Intrastate Movement (Repealed)
 105.70 Pseudorabies Testing of Feeder Swine (Repealed)
 105.80 Feeder Swine (Repealed)
 105.90 Feral Swine

AUTHORITY: Implementing and authorized by the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1989, ch. 8, par. 501 et seq.), the Illinois Pseudorabies Control Act (Ill. Rev. Stat. 1989, ch. 8, par. 801 et seq.), as amended by P.A. 87-157, effective January 1, 1992, and the Illinois Swine Brucellosis Eradication Act (Ill. Rev. Stat. 1989, ch. 8, par. 148f et seq.).

SOURCE: Rules and Regulations Relating to the Illinois Swine Disease Control and Eradication Act, filed February 24, 1975, effective March 6, 1975; 2 Ill. Reg. 24, p. 31, effective June 15, 1978; 2 Ill. Reg. 46, p. 10, effective November 11, 1978; 3 Ill. Reg. 33, p. 341, effective January 1, 1980; 5 Ill. Reg. 3, p. 745, effective January 2, 1981; 5 Ill. Reg. 45, p. 12100, effective October 27, 1981; codified at 5 Ill. Reg. 10461; 5 Ill. Reg. 13619, effective December 4, 1981; amended at 8 Ill. Reg. 5998, effective April 23, 1984; amended at 9 Ill. Reg. 2236, effective February 15, 1985; amended at 9 Ill. Reg. 18435, effective November 19, 1985; amended at 10 Ill. Reg. 9758, effective May 21, 1986; amended at

11 Ill. Reg. 10187, effective May 15, 1987; amended at 11 Ill. Reg. 10538, effective May 21, 1987; amended at 12 Ill. Reg. 3440, effective January 22, 1988; amended at 13 Ill. Reg. 3715, effective March 13, 1989; amended at 14 Ill. Reg. 1961, effective January 19, 1990; amended at 14 Ill. Reg. 15322, effective September 10, 1990; amended at 16 Ill. Reg. _____, effective _____.

Section 105.5 Definitions

The definitions for this Part shall be as set forth in the general definitions Section (8 Ill. Adm. Code 20.1). Also, the following definitions shall apply to this Part:

"Act" means the Illinois Swine Disease Control and Eradication Act (Ill. Rev. Stat. 1989 1987, ch. 8, par. 501 et seq.).

"Feral swine" mean swine which have lived any part of their life free roaming. Swine may loose their designation as feral if they are maintained in captivity for at least 30 days and are tested negative for pseudorabies and brucellosis.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 105.10 Swine Entering Illinois for Feeding Purposes Only

a) Feeder swine, except feral swine, may enter Illinois provided they are identified by an ear tag in the right ear showing state of origin and accompanied by a permit from the Division and an official health certificate.

b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or a veterinarian in the employ of the United States Department of Agriculture;
- 2) Be approved by the Animal Health Official of state of origin;
- 3) Show that the feeder swine are free from visible evidence of any contagious, infectious, or communicable disease or exposure thereto;
- 4) Show that the feeder swine are not from a quarantined herd and/or area;

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- 5) List number and description of the feeder swine and ear tag series or location of ear tag records when pigs originate from cooperative feeder pig sales; and
- 6) Show that the swine originated from a herd in which a representative sample of the breeding herd has been tested and found negative for pseudorabies (8 Ill. Adm. Code 115.80).

c) Permits:

- 1) Permits to import feeder swine shall only be issued to:

- A) An Illinois licensed feeder swine dealer; and
- B) A person importing pigs to feed on his own premises and not for resale other than to slaughter.

- 2) Applicant for permit shall furnish the following information to the Division:

- A) Name and address of Illinois destination.
- B) Name and address of consignor.
- C) Number of swine in shipment.

- 3) Grounds for refusal to issue a permit are:

- A) Violation of the Act or any rule of this Part.
- B) If a person should be licensed under the Illinois Feeder Swine Dealer Licensing Act (Ill. Rev. Stat. 1989 1987, ch. 111, par. 201 et seq., as amended by P.A. 87-160, effective January 1, 1992 ~~86-231-effective August 15, 1989~~) and his or her license is not in good standing with the Department.
- C) Presence of a disease which might endanger the Illinois swine industry.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 105.30 Swine Entering Illinois for Breeding Purposes

- a) Swine for breeding purposes, except feral swine, may enter Illinois provided they are accompanied by an official health certificate.

- b) Official health certificate shall:

- 1) Be issued by an accredited veterinarian of the state of origin or by a veterinarian in the employ of the United States Department of Agriculture;

- 2) Be approved by the Animal Health Official of the state of origin;

- 3) Identify each animal by registration number, ear tag, tattoo, or ear notch approved by the respective breed registry;

- 4) Show the swine are free from visible evidence of contagious, infectious, or communicable diseases;

- 5) Show that the swine are not from a quarantined herd and/or area;

- 6) Show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry, OR that the swine originate from a validated brucellosis-free herd, with validated herd number and validation date listed on the health certificate, OR that the swine originate from a validated brucellosis-free area (Swine Brucellosis Eradication Uniform Methods and Rules March 1990 July 1, 1986; as approved by the United States Animal Health Association, P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176)). Incorporation by reference does not include any amendments or editions beyond the date specified; and

- 7) Show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory within 30 days prior to entry OR that the swine originated from a qualified pseudorabies negative herd, with the qualified herd number and qualification date listed on the health certificate, OR that the swine originated from a state that has been classified as Stage IV or Stage V under the

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Pseudorabies Eradication State-Federal-Industry Program Standards (April 1989) as approved by the United States Animal Health Association (P.O. Box 28176, Suite 205, 6924 Lakeside Avenue, Richmond, Virginia 23228-0176). Incorporation by reference does not include any amendments or editions beyond the date specified.

- c) A percentage of the breeding swine shall be retested and negative to an official test for pseudorabies conducted not less than 30 days nor more than 90 days after entering Illinois. If the number of breeding animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 breeding animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 105.90 Feral Swine

- a) Feral swine may enter Illinois for any reason provided they are accompanied by an official health certificate.

- b) The official health certificate shall:

- 1) be issued by a veterinarian in the employ of the United States Department of Agriculture;
- 2) be approved by the Animal Health Official of the state of origin;
- 3) identify each animal by ear tag;
- 4) show the swine are free from visible evidence of contagious, infectious, or communicable diseases;
- 5) show the swine are not from a quarantined herd and/or area;
- 6) show any swine more than 4 months of age to be negative to an official test for brucellosis, conducted by an approved laboratory within 30 days prior to entry; and
- 7) show any swine to be negative to an official test for pseudorabies conducted by an approved laboratory

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within 30 days prior to entry.

- c) A percentage of the swine shall be retested and negative to an official test for pseudorabies conducted not less than 30 days nor more than 90 days after entering Illinois. If the number of animals is 35 or less, all or at least 10 animals, whichever is less, are to be tested. If more than 36 animals are involved, a minimum of 30 percent or 30 animals, whichever is less, is to be tested.

(Source: Added at 16 Ill. Reg. _____, effective _____)

CAPITAL DEVELOPMENT BOARD
NOTICE OF PROPOSED RULES

1) Heading of the Part: Americans with Disabilities Act Grievance Procedure

2) Code Citation: 71 Ill. Adm. Code 110

3) Section Numbers: Proposed Action:

110.10	New Section
110.20	New Section
110.30	New Section
110.40	New Section
110.50	New Section
110.60	New Section
110.70	New Section

4) Statutory Authority: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 4 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004).

5) A complete description of the Subjects and Issues Involved: This rulemaking establishes a grievance procedure required by the Americans with Disabilities Act of 1990 to resolve grievances asserted by qualified individuals with disabilities.

6) Will this proposed rule replace an emergency rule currently in effect:
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rule contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: These rules will not create or expand a state mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on this proposed rulemaking may be submitted in writing for a period of 45 days following publications of this notice. Comments should be submitted to:

Capital Development Board
Attention: Personnel Officer
3rd Floor/Wm. G. Stratton Building
401 South Spring Street
Springfield, Illinois 62706

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NOTICE OF PROPOSED RULES

12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Rules begins on the next page:

CAPITAL DEVELOPMENT BOARD

TITLE 71: PUBLIC BUILDINGS, FACILITIES AND REAL PROPERTY
 CHAPTER I: CAPITAL DEVELOPMENT BOARD
 SUBCHAPTER a: RULES

PART 110
 AMERICANS WITH DISABILITIES
 ACT GRIEVANCE PROCEDURE

Section

- 110.10 Purpose
- 110.20 Definitions
- 110.30 Procedure
- 110.40 Designated Coordinator Level
- 110.50 Final Level
- 110.60 Accessibility
- 110.70 Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans with Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107), and authorized by Section 4 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004).

(Source: Adopted at 16 Ill. Reg. _____, effective _____)

Section 110.10 Purpose

- a) This ADA Grievance Procedure ("Procedure") is established pursuant to the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) ("ADA"), and specifically Section 35.107 of the Title II regulations (28 CFR 35.107) requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator of the Capital Development Board ("Board"), 3rd Floor, Wm. G. Stratton Building, 401 South Spring Street, Springfield, Illinois 62706.
- b) In general, the ADA requires that each program, service, and activity offered by the Board, when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Board to foster open communication with all individuals requesting readily accessible programs, services and activities. The Board encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

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Section 110.20 Definitions

- a) "Grievance" is any complaint under the ADA by an individual with a disability who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service by the Board; and

- 2) believes he/she has been excluded from participation in, or denied the benefits of any program, service or activity of the Board or has been subject to discrimination by the Board.

- b) "Complainant" is an individual with a disability who files a Grievance Form provided by the Board under this procedure.

- c) "Designated Coordinator" is the person(s) appointed by the Executive Director of the Board who is/are responsible for the coordination of efforts of the Board to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. (See 28 CFR 35.107).

Section 110.30 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Board's last response.
- c) The Board shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this Procedure and the Grievance Form.

Section 110.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the Grievance Form prescribed for that

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purpose. The Grievance Form must be completed in full in order to receive proper consideration by the Designated Coordinator.

- b) Upon request, assistance shall be provided by the Board to complete the Grievance Form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Executive Director within ten (10) business days after receipt of the Grievance Form.

Section 110.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator level to the satisfaction of the complainant, the complainant may submit a copy of the Grievance Form and Designated Coordinator's response to the Executive Director of the Board for final review. The complainant shall submit these documents to the Executive Director, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.

- b) The Executive Director shall appoint a 3-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairperson.

- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.

- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Executive Director as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Executive Director in writing and shall also sign such recommendation.

- e) Upon receipt of recommendations from a panel, the Executive Director shall approve, disapprove or modify the Panel's recommendations, shall render a decision thereon in writing, shall state the basis therefore, and shall cause a copy of the decision to be served on the parties. The Executive Director's decision shall be final. If the Executive Director disapproves or modifies the Panel's

recommendations, the Executive Director shall include written reasons for such disapproval or modification.

- f) The Grievance Form, the Designated Coordinator's response, the statement of reasons for dissatisfaction, the recommendations of the panel and the decision of the Executive Director shall be maintained in accordance with the State Records Act, (Ill. Rev. Stat. 1989, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

Section 110.60 Accessibility

The Board shall ensure that all stages of the Procedure are readily accessible to and usable by individuals with disabilities.

Section 110.70 Case-by-Case Resolution

Each grievance involves a unique set of factors which include but are not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and, whether or not an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Board. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Prequalification and Suspension of Contractors

2) Code Citation: 44 Ill. Adm. Code 950

3) Section Number:

<u>Section Number:</u>	<u>Proposed Action:</u>
950.110	Repeal
950.120	Repeal
950.130	Repeal
950.140	Repeal
950.150	Repeal
950.160	Repeal
950.170	Repeal
950.180	Repeal
950.210	Repeal
950.220	Repeal
950.230	Repeal
950.240	Repeal
950.250	Repeal
950.260	Repeal
950.270	Repeal
950.280	Repeal
950.290	Repeal
950.300	Repeal

4) Statutory Authority: Implementing and authorized by Section 9.06 of the Capital Development Board Act (111. Rev. Stat. 1989, ch. 127, par. 779.6) and authorized by Sections 5 and 6 of the Illinois Purchasing Act (111. Rev. Stat. 1989, ch. 127, pars. 132.5 and 132.6).

5) A complete description of the Subjects and Issues Involved: Part 950 generally describes procedures and criteria for prequalification of building construction contracting firms, based on a financial rating, for purposes of bidding on State construction contracts. Included are sections relating to the Certified Public Accountant's opinion, term of rating, application for renewal, temporary ratings, and contractor's appeal procedures.

6) Will this proposed rule replace an emergency rule currently in effect:
No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain incorporations by reference? No.

9) Are there any proposed amendments to this Part pending? No.

10) Statement of Statewide Policy Objectives: This proposed amendment is not a state mandate as defined by the State Mandates Act (111. Rev. Stat., ch. 85, part. 2201 et seq.).

NOTICE OF PROPOSED AMENDMENTS

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: From the date that this notice first appears in the Illinois Register, for a period of 14 days thereafter, interested persons may submit a request to comment to the Capital Development Board. Comments must be in writing. Requests to comment, and comments should be addressed to the attention of the Legal Section, Capital Development Board, 401 South Spring Street, 3rd Floor Stratton Building, Springfield, IL 62706, telephone 782-1392.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 24, 1992.

B) Types of small businesses affected: (1) Building construction contractors, including specialty contractors such as roofers, carpet layers, painters., etc. (2) Public accounting firms.

C) Reporting, bookkeeping or other procedures required for compliance: None. Once replacement rules or procedures are developed, compliance will be less burdensome for prequalification applicants than the rules being repealed.

D) Types of Professional skills necessary for compliance: None.

The full text of the Proposed Amendments begins on the next page:

CAPITAL DEVELOPMENT BOARD

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND PROPERTY MANAGEMENT
 SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
 CHAPTER XII: CAPITAL DEVELOPMENT BOARD

PART 950
 PREQUALIFICATION AND SUSPENSION OF CONTRACTORS

SUBPART A: PREQUALIFICATION

Section 950.110 Prequalification of Contractors (Repealed)
 Factors Considered (Repealed)
 Application for Prequalification (Repealed)
 Opinion of Certified Public Accountant (Repealed)
 Contractor Misrepresentation (Repealed)
 Supplemental Information (Repealed)
 Term of Prequalification Rating (Repealed)
 Renewal of Prequalification Rating (Repealed)
 Notice to Board
 Effect of Failure to Notify Board
 Temporary Financial Prequalification (Repealed)
 Term of Temporary Financial Prequalification Rating (Repealed)
 Fraudulent Statement of Intent (Repealed)
 Formula for Prequalification Rating (Repealed)
 Increase or Decrease of Financial Prequalification Rating (Repealed)
 Aggregate Dollar Amount of Contracts (Repealed)
 Contracts More Than Seventy Percent (70%) Completed (Repealed)
 Joint Ventures (Repealed)
 Appeal of Prequalification Rating (Repealed)
 Prequalification Without A Certified Financial Statement (Repealed)

SUBPART B: SUSPENSION

Section 950.500 Suspension Procedures
 950.510 Causes for Suspension
 950.520 Severability

AUTHORITY: Implementing and authorized by Section 9.06 of the Capital Development Board Act (111. Rev. Stat. 1989, ch. 127, par. 779.6) and authorized by Sections 5 and 6 of the Illinois Purchasing Act (111. Rev. Stat. 1989, ch. 127, pars. 132.5 and 132.6).

SOURCE: Adopted at 2 111. Reg. 30, p. 140, effective July 27, 1978; amended at 4 111. Reg. 9, p. 233, effective February 14, 1980; amended at 5 111. Reg. 1890, effective February 17, 1981; amended and codified at 8 111. Reg. 20299, effective October 1, 1984; emergency amendment at 9 111. Reg. 3821, effective March 5, 1985 for a maximum of 150 days; amended at 9 111. Reg. 10659, effective July 3, 1985; amended at 9 111. Reg. 17321, effective October 29, 1985; amended at 12 111. Reg. 9860, effective May 27, 1988; amended at 16 111. Reg. _____, effective _____.

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NOTICE OF PROPOSED AMENDMENTS

Section 950.110 Prequalification of Contractors (Repealed)

~~Except as provided in Section 950.280, all contractors shall be prequalified in order to provide a fair basis for the financial classification and rating of contractors.~~

(Source: Repealed at 16 111. Reg. _____, effective _____)

Section 950.120 Factors Considered (Repealed)

~~The following factors will be considered by the Capital Development Board in issuing a prequalification rating:~~

- a) ~~Financial resources~~
- b) ~~Trade and related work experience for classification purposes~~
- c) ~~Equal opportunity employment compliance~~
- d) ~~Performance record~~
- e) ~~Suspension by any other State agency~~
- f) ~~Responsibility~~

(Source: Repealed at 16 111. Reg. _____, effective _____)

Section 950.130 Application for Prequalification (Repealed)

- a) ~~The Application for Prequalification shall be submitted on forms approved by the Board.~~

- b) ~~The Application for Prequalification shall include the following:~~

- 1) ~~A disclosure of the name of each Key Person associated with the company.~~

- 2) ~~The percentage of ownership in the company of each Key Person who is an owner.~~

- 3) ~~A certified financial statement resulting from an audit of the contractor's records. The audit shall be made by a licensed Certified Public Accountant and shall be made in accordance with generally accepted auditing standards in accordance with Section 950.140 of these Rules.~~

- 4) ~~A "Certificate of Authority" to transact business in this State issued by the Secretary of State, if a foreign corporation, as defined by the Business Corporation Act of 1983, (Supp. to 111. Rev. Stat. 1983, ch. 32, par. 101 et seq.), as now or hereafter amended.~~

NOTICE OF PROPOSED AMENDMENTS

- 5) A current license, if applicable, issued by the Department of Public Health.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.140 Opinion of Certified Public Accountant (Repealed)

- a) ~~Prerequisite ratings shall be computed using financial statements prepared in accordance with the generally accepted accounting principles established by the American Institute of Certified Public Accountants (AICPA). The meaning of generally accepted accounting principles is defined in Statement on Auditing Standards No. 43, Omnibus Statement on Auditing Standards, AICPA, August, 1982. In making all determinations with regard to certified financial statements, the Board shall be guided by the auditing standards of the AICPA set forth in subsection (b) of this Rule. In the event the licensed Certified Public Accountant (CPA) does not render an unqualified opinion, the procedure shall be as follows:~~

- 1) ~~Qualified Opinion—A qualified opinion from a Certified Public Accountant may be utilized for prerequisite purposes subject to the elimination from the balance sheet of the amounts qualified by the accountant. The decision whether to treat the opinion as qualified is made by a Board staff accountant based on information included in the financial statement which was the basis of the disclaimer.~~

- 2) ~~Adverse Opinion—If an adverse opinion is rendered by a Certified Public Accountant which indicates the financial statements examined do not present a fair or accurate statement of the contractor's financial condition, the statements referred to in such opinion shall be considered as unaudited and will preclude prerequisite of the contractor.~~

- 3) ~~Disclaimer of Opinion—If a Certified Public Accountant issues a disclaimer of opinion the Board shall review and evaluate the materiality of the effects of such disclaimer for prerequisite purposes and, based upon that review/evaluation, may consider the disclaimer to have the effect of a qualified opinion or an adverse opinion as previously described in this Section. When the disclaimer arises due to client imposed restrictions on the Certified Public Accountant's scope of work, the Board may consider the opinion as qualified for those areas of the balance sheet where scope restrictions prevented an opinion being rendered. When the disclaimer arises due to conditions beyond the control of the client which prevent the Certified Public~~

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~~Accountant from determining the overall fairness of the financial statement, the Board shall consider the financial statement to be unaudited and the terms of Section 950.300 shall apply. When the disclaimer arises due to client imposed restrictions which prevent the Certified Public Accountant from determining the overall fairness of the financial statement, the Board shall consider the opinion to be an adverse opinion.~~

- 4) ~~If the Certified Public Accountant's opinion results in a negative rating, the contractor's financial statement shall be treated as unaudited for purposes of establishing a prerequisite rating, and terms set forth in Section 950.300 shall apply.~~

- b) ~~The Board shall be guided by the following AICPA auditing standards:~~

~~General Standards~~

- 1) ~~The examination is to be performed by a person or persons having adequate technical training and proficiency as an auditor.~~
- 2) ~~In all matters relating to the assignment, an independence in mental attitude is to be maintained by the auditor or auditors.~~
- 3) ~~Due professional care is to be exercised in the performance of the examination and the preparation of the report.~~

~~Standards of Field Work~~

- 1) ~~The work is to be adequately planned and assistants, if any, are to be properly supervised.~~

- 2) ~~There is to be proper study and evaluation of the existing internal control as a basis for reliance thereon and for the determination of the resultant extent of the tests to which auditing procedures are to be restricted.~~

- 3) ~~Sufficient competent evidential matter is to be obtained through inspection, observation, inquiries, and confirmations to afford a reasonable basis for an opinion regarding the financial statements under examination.~~

~~Standards of Reporting~~

- 1) ~~The report shall state whether the financial statements are~~

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presented in accordance with generally accepted accounting principles.

- 2) The report shall state whether such principles have been consistently observed in the current period in relation to the preceding period.
- 3) Information disclosures in the financial statements are to be regarded as reasonably adequate unless otherwise stated in the report.
- 4) The report shall either contain an expression of opinion regarding the financial statements taken as a whole or an assertion to the effect that an opinion cannot be expressed. When an overall opinion cannot be expressed, the reasons therefore should be stated. In all cases where an auditor's name is associated with financial statements, the report should contain a clear indication of the character of the auditor's examination, if any, and the degree of responsibility assumed by the auditor.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.150 Contractor Misrepresentation (Repealed)

If any contractor knowingly makes a material misrepresentation in submitting information which causes the Board to issue a financial prequalification rating which is higher than it would otherwise be, such misrepresentation will be sufficient grounds for suspending a contractor from bidding for not more than one year.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.160 Supplemental Information (Repealed)

When the valuation or classification of an item may have a material effect on the prequalification rating, the contractor shall be requested to furnish supplemental information certified by the Certified Public Accountant who signed the accountant's certificate. When the information contained in the financial statement is not sufficient to determine whether the valuation or classification of an item will have a material effect on the prequalification rating, the contractor shall be requested to furnish supplemental information certified by the Certified Public Accountant who signed the accountant's certificate.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

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Section 950.170 Term of Prequalification Rating (Repealed)

After receipt of all prequalification data, the Executive Director shall cause a financial prequalification rating to be issued. The effective date of a financial prequalification rating shall be the date on which the Board was in receipt of all data necessary to determine such rating. The prequalification rating shall remain in effect for a period of sixteen months from the date of the financial statements, with the provision that the prequalification rating shall expire upon suspension by the Board, upon receipt by the Board of notification that the contractor has been suspended by another State agency, or upon recomputation of the rating pursuant to Section 950.180.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.180 Renewal of Prequalification Rating (Repealed)

The contractor may apply for renewal and recomputation of his/her financial prequalification rating for the same period as expressed in Section 950.170 by submission of the required data and most current financial statement.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.210 Temporary Financial Prequalification (Repealed)

- a) In the following cases, the Executive Director may issue a temporary financial prequalification rating to a contractor pending submission of the certified financial statement required by Section 950.130. Factors considered in determining whether a temporary financial prequalification rating will be issued include past performance on Board projects, quality of work, fair employment compliance history and timeliness of completion of prior projects. The contractor's application must include the financial statement to be audited and all the information required by paragraphs (1) through (6) below.

- 1) Contractor initially states his/her intention to obtain a certified financial statement within ninety days;
- 2) Contractor is in the process of changing his/her fiscal year;
- 3) Contractor is changing the Certified Public Accountant who will perform the audit;
- 4) Contractor has been granted an extension by the Internal Revenue Service for filing taxes;
- 5) Contractor's records have been destroyed by a disaster;

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- 6) Contractor's Certified Public Accountant requests an extension of time because of a heavy workload.
- b) A temporary financial prequalification request shall be denied under the following circumstances:
- 1) The contractor in the past has requested a temporary financial prequalification rating and then failed or refused to provide the certified financial statement required by Section 950.120; or
 - 2) Evidence exists that the certified financial statement may differ substantially from the financial statement submitted. A substantial difference is a discrepancy in figures which indicates that the unaudited financial statement does not accurately reflect the financial position of the business.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.220 Term of Temporary Financial Prequalification Rating (Repealed)

A temporary financial prequalification rating will terminate without further extension on the ninetieth (90th) day following the date of issuance by the Executive Director, unless the required certified financial statement is submitted to the Board.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.230 Fraudulent Statement of Intent (Repealed)

- a) If the Board shall determine that the contractor's statement of intent requesting a temporary financial prequalification rating was fraudulent or if the contractor fails to provide the required certified financial statements by the term of the temporary financial prequalification ratings, the Board may terminate any contract which may have been awarded to the contractor during the existence of the temporary financial prequalification rating, and the contractor shall have no right to any compensation thereunder for any work that may have been performed prior to termination. Said contractor shall be ineligible for future prequalification for a period of one year from the date of notification. The Board shall apply the following criteria when determining whether a contract shall be terminated:

- 1) The nature of the violation
- 2) The amount of work performed under the contract

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- 3) The additional costs to the State if the contract is terminated;
 - 4) The length of delay which would result; and
 - 5) Any other factor which is relevant and ought to be considered.
- b) In applying these criteria the Board shall consider the magnitude of the work remaining to be performed, the financial stability of the contractor, the apparent ability of the contractor to complete the contract on schedule, the quality of the contractor's work already performed and the economic detriment likely to accrue to the People of the State of Illinois if the contract is terminated. Apparent ability includes such factors as work force, including persons qualified to supervise the work to be done, and office support staff.

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.240 Formula for Prequalification Rating (Repealed)

The contractor's prequalification rating shall be determined by the following procedure:

- a) Financial data shall be analyzed and the preliminary rating shall be calculated by applying the formula:

$$\begin{array}{r}
 \text{Total current assets} \\
 \text{Less Current Liabilities} \\
 \hline
 \text{Equals Net Working Capital (NWC)} \\
 \text{NWC } \$ \text{ } 0 \text{ to } \$200,000 \times 10 = \\
 \text{NWC } \$200,001 \text{ to } \$500,000 \times 15 = \\
 \text{NWC } \$500,001 \text{ and above } \times 20 =
 \end{array}$$

$$\begin{array}{r}
 \text{Net Worth} \\
 \text{Less NWC} \times \\
 \hline
 \text{Balance} \times 5 =
 \end{array}$$

$$\begin{array}{r}
 \text{Preliminary Rating } (1 + 11) \\
 \hline
 \end{array}$$

* If NWC is a negative number, zero will be substituted for NWC.

- b) Pursuant to Section 950.250 the preliminary rating established under paragraph (a) above may be subject to a twenty percent (20%) increase or decrease as the final step in the determination of the prequalification rating. The decision will be based on the factors

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~~set forth in Section 950.250. The contractor's performance history is the most important factor considered.~~

~~Preliminary Rating~~

~~Executive Director~~

~~Maximum increase (decrease) 20%~~

~~Financial Prequalification Rating~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.250 Increase or Decrease of Financial Prequalification Rating
(Repealed)

~~The Executive Director may increase or decrease any financial prequalification rating up to a maximum of 20% based on the contractor's trade and related work experience for classification purposes, equal opportunity employment compliance, performance record with any State agency, suspension by any State agency, and responsibility.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.260 Aggregate Dollar Amount of Contracts (Repealed)

~~The aggregate dollar amount of contracts a contractor has with the Board at any time shall not exceed the contractor's financial prequalification rating.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.270 Contracts More than Seventy Percent (70%) Completed (Repealed)

~~Contracts which are 70% or more complete will be excluded in making a determination of the aggregate dollar amount of existing contracts with the Board.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.280 Joint Ventures (Repealed)

~~The financial prequalification rating of a joint venture is equal to the sum of the financial prequalification ratings of the members of the venture who are prequalified. At least one member of the joint venture must be prequalified with the Capital Development Board.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

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Section 950.290 Appeal of Prequalification Rating (Repealed)

~~If a contractor believes his/her financial prequalification rating does not reflect the financial data submitted to the Board in accordance with Part 950 of these Rules he/she may appeal the rating in the following manner:~~

~~a) Within ten (10) days after receipt of the rating the contractor must file a written statement with the Executive Director setting forth his/her reasons for believing that his/her financial prequalification rating should be changed and requesting a review by the Director of Administration.~~

~~b) The Director of Administration shall review the facts and shall extend to the contractor an opportunity to personally present arguments supporting his/her position. The Director of Administration shall then present a written recommendation to the Executive Director.~~

~~c) The Executive Director shall, at the next regular meeting of the Board, present the contractor's written statement, the recommendation of the Director of Administration and any other information he believes relevant to the appeal. The contractor may examine and respond to any information submitted to the Board.~~

~~d) The Board shall either affirm or deny the appeal. The Board's decision shall be based on consideration of all the data relating to the subject prequalification rating.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

Section 950.300 Prequalification Without A Certified Financial Statement
(Repealed)

~~In applying for a financial prequalification rating, a contractor may provide the Board with an unaudited financial statement. In that event, the contractor will receive a financial prequalification rating not to exceed \$400,000 for contractors prequalified for General Work and not to exceed \$200,000 for contractors prequalified for all other trades, provided that the contractor has met all the other requirements for prequalification and that calculations using the formula set forth in Section 950.240 produce a figure which equals or exceeds such prequalification levels.~~

(Source: Repealed at 16 Ill. Reg. _____, effective _____)

1) Heading of the Part: AMERICANS WITH DISABILITIES ACT
GRIEVANCE PROCEDURE

2) Code Citation: 4 Ill. Adm. Code 475

3) Section Numbers: Proposed Action:

475.10	New
475.15	New
475.17	New
475.20	New
475.30	New
475.40	New
475.50	New

4) Statutory Authority: Implementing the Americans with Disabilities Act of 1990 (42 U.S.C.12101 et seq.) and authorized by the Illinois Administrative Procedures Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq.) and Section 3-8-8 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1003-8-8).

5) A Complete Description of the Subjects and Issues Involved: This rulemaking establishes procedures for filing grievances based on disability as required by the Americans with Disabilities Act of 1990.

6) Will this proposed rule replace an emergency rule currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? Yes
X No

8) Does this proposed rule contain incorporation by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking does not create or expand any State mandate.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of this publication will be considered.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

The full text of the Proposed Rules begins on the next page:

TITLE 4: GRIEVANCE PROCEDURES
CHAPTER XVI: DEPARTMENT OF CORRECTIONS

PART 475
AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section	
475.10	Applicability
475.15	Definitions
475.17	Responsibilities
475.20	General Provisions
475.30	Verbal Requests and Complaints
475.40	Grievance Procedures
475.50	Appeal Process

AUTHORITY: Implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and authorized by the Illinois Administrative Procedures Act (Ill. Rev. Stat. 1989, ch. 127, pars. 1001 et seq.) and Section 3-8-8 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1003-8-8).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

Section 475.10 Applicability

This Part applies to the general public, applicants, employees, and to persons committed to the Department of Corrections.

Section 475.15 Definitions

"ADA" means the Americans With Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

"ADA Coordinator" means the person or persons designated by the Director or Chief Administrative Officer to coordinate efforts of the Department or a facility in carrying out its responsibilities under Title II of the ADA.

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Grievance" means any formal, written complaint under the ADA by an individual with a disability who:

- 1) Meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity, or service offered by the Department; and
- 2) Believes he or she has been excluded from participation in, or denied the benefits of, any program, service, or activity of the Department or has been subject to discrimination by the Department on the basis of disability.

"Grievant" means an individual with a disability who files a grievance under this Part.

"Working days" means Monday through Friday, excluding State holidays.

Section 475.17 Responsibilities

a) Unless otherwise specified, the Director or Chief Administrative Officer may delegate responsibilities stated in this Part to another person or persons or designate another person or persons to perform the duties specified.

b) No other individual may routinely perform duties whenever a Section in this Part specifically states the Director or Chief Administrative Officer shall personally perform the duties. However, the Director or Chief Administrative Officer may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

Section 475.20 General Provisions

a) The Department shall promptly review grievances and consider any reasonable requests for modification to its programs, services, or activities which allegedly discriminate under the ADA on the basis of disability.

b) Each grievance or request for modification shall be considered on a case-by-case basis, based on the unique set of factors of each case which may include, but not be limited to:

- 1) The specific nature of the disability;
- 2) The essential eligibility requirements, the benefits to be derived, and the nature of the program, service, or activity;
- 3) The health, safety, or security of any person; and

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- 4) Whether or not a modification would constitute a fundamental alteration to the program, service, or activity or an undue hardship on the Department.
- c) Actions taken with regard to one grievance or request for modification shall not necessarily constitute a precedent upon which any other parties shall rely.
- d) Employees and applicants shall make requests for reasonable accommodation in accordance with internal procedures of the Department which shall be available to employees and applicants. Grievances of employees and applicants should be filed and processed in accordance with this Part; however, nothing precludes an employee or applicant from filing a grievance in accordance with personnel rules (80 Ill. Adm. Code 303) or collective bargaining agreements. Any grievance filed by an employee or applicant shall be investigated by an ADA Coordinator who shall make recommendations regarding resolution of the grievance.
- e) Grievances or requests for reasonable modifications of committed persons shall be filed and processed in accordance with 20 Ill. Adm. Code 504. Subpart F or G.
- f) Grievances or requests for reasonable modifications of the general public shall be filed and processed in accordance with this Part.
- g) The Department shall take reasonable steps to ensure that the grievance procedures contained in this Part and 20 Ill. Adm. Code 504. Subpart F or G are accessible to and usable by individuals with disabilities.

Section 475.30 Verbal Requests and Complaints

Persons, other than committed persons, employees, or applicants, may make verbal requests for reasonable modifications or verbal complaints regarding alleged discrimination to staff at any Department facility or office. Such requests or complaints shall be forwarded through chain-of-command to determine whether any immediate action may be taken. If the request or complaint is not resolved to the satisfaction of the individual, a written grievance may be filed in accordance with Section 475.40.

Section 475.40 Grievance Procedures

This Section applies to any persons except committed persons.

- a) Grievances under the ADA shall be submitted to:

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Americans with Disabilities Act Coordinator
Illinois Department of Corrections
4-200 State of Illinois Center
100 W. Randolph
Chicago, Illinois 60601

Attention: ADA Grievance

- b) Grievances shall be in writing and should be on the form provided by the Department. The grievance shall include, among other matters:
 - 1) The program, service, or activity in which alleged discrimination occurred;
 - 2) Date and nature of the alleged discrimination; and, if applicable,
 - 3) The reasonable modification allegedly denied and the estimated cost of such modification; and
 - 4) Alternative modifications which may provide accessibility and the estimated cost of such alternatives.
- c) Copies of the grievance procedure and the grievance form shall be available at all Department offices and correctional facilities or may be requested through the ADA Coordinator.
- d) The grievance should be filed promptly, but no later than 180 days after the alleged discrimination occurred or the alleged denial of the request for modification. The grievance form must be complete, to the extent known, in order to be given proper consideration by the Department.
- e) Upon request, assistance in completing the grievance form shall be provided as determined necessary by the Department.
- f) A Department ADA Coordinator shall take reasonable steps to ensure that the grievance is investigated and reasonable efforts are made to resolve it. The investigation may include an interview with the grievant where determined necessary by the ADA Coordinator. The ADA Coordinator shall submit a written response to the grievant within 45 working days after receipt of the grievance, whenever possible.

Section 475.50 Appeal Process

This Section applies to any persons except committed persons.

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a) If the grievance is not resolved to the satisfaction of the grievant, the grievant may appeal the ADA Coordinator's decision to the Director. Failure to appeal in a timely manner shall be construed to mean the grievant has withdrawn the grievance or has accepted the ADA Coordinator's response.

b) Appeals shall be submitted in writing within 15 working days of the date of the ADA Coordinator's response to:

Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

Attention: ADA Appeal

c) Written appeals shall include:

- 1) A brief statement explaining the reasons for dissatisfaction with the ADA Coordinator's response;
 - 2) A statement indicating whether or not the grievant wishes to appear before the person or persons appointed by the Director.
 - 3) A copy of the grievance form and the ADA Coordinator's response; and
 - 4) Any other supporting materials.
- d) The Director shall appoint a person or persons to review the appeal.
- e) The appointed person or persons shall review the grievance form and the ADA Coordinator's written response; consider any additional material submitted by the grievant; and may conduct interviews and seek advice as deemed appropriate.
- f) The grievant may be afforded the opportunity to appear before the appointed person or persons if so requested in the written appeal.
- g) The appointed person or persons shall make recommendations to the Director in writing.
- h) The Director shall approve, disapprove, or modify the recommendations. The Director's written decision shall be sent to

the grievant and to the ADA Coordinator. The Director's decision shall be final.

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1) Heading of the Part: DISCIPLINE AND GRIEVANCES2) Code Citation: 20 Ill. Adm. Code 5043) Section Numbers: Proposed Action:

504.802	Amend
504.810	Amend
504.830	Amend
504.905	Amend
504.910	Amend
504.920	Amend
504.930	Amend

4) Statutory Authority: Implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and implementing and authorized by Sections 3-2-2, 3-8-8, and 3-10-9 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1003-2-2, 1003-8-8, and 1003-10-9).5) A Complete Description of the Subjects and Issues Involved: The grievance procedures for committed persons are being amended to require grievances based on disability to be investigated by an ADA Coordinator in compliance with the Americans with Disabilities Act of 1990. In addition, terminology in the grievance procedures for releasees is being updated.6) Will this proposed rule replace an emergency rule currently in effect?
No.7) Does this rulemaking contain an automatic repeal date? Yes
X No8) Does this proposed amendment contain incorporation by reference? No.9) Are there any other proposed amendments pending on this Part? No.10) Statement of Statewide Policy Objectives: Not applicable; this rulemaking does not create or expand any State mandate.11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:

William H. Craine, Ph.D., Deputy Director
Illinois Department of Corrections
1301 Concordia Court
P. O. Box 19277
Springfield, Illinois 62794-9277

All written comments received within 45 days of the date of this publication will be considered.

12) Initial Regulatory Flexibility Analysis: Not required; this rulemaking does not affect small businesses.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF CORRECTIONS
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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER I: DEPARTMENT OF CORRECTIONS
SUBCHAPTER e: OPERATIONS

PART 504
DISCIPLINE AND GRIEVANCES
SUBPART A: ADMINISTRATION OF DISCIPLINE -- ADULT

- Section 504.10 Applicability
- 504.12 Definitions
- 504.15 Responsibilities
- 504.20 Offenses and Maximum Penalties
- 504.30 Preparation of Disciplinary Reports
- 504.40 Temporary Confinement
- 504.50 Review of Disciplinary Reports
- 504.60 Investigation of Major Disciplinary Reports
- 504.70 Adjustment Committee and Program Unit Composition
- 504.80 Adjustment Committee Hearing Procedures
- 504.90 New or Additional Proceedings
- 504.100 Program Unit Hearing Procedures
- 504.110 Computation of Discipline for Multiple Offenses
- 504.120 Reduction in Segregation Placement
- 504.130 Demotion and Restoration in Grade
- 504.140 Restitution Procedures
- 504.150 Restoration of Good Time

SUBPART B: ADMINISTRATION OF DISCIPLINE -- JUVENILE

- Section 504.200 Applicability
- 504.202 Definitions
- 504.205 Responsibilities
- 504.210 Offenses and Maximum Penalties
- 504.220 Preparation of Disciplinary Reports
- 504.230 Temporary Confinement
- 504.240 Review of Disciplinary Reports
- 504.250 Adjustment Committee and Program Unit Composition
- 504.260 Adjustment Committee Hearing Procedures
- 504.270 New or Additional Proceedings
- 504.275 Program Unit Hearing Procedures
- 504.280 Computation of Discipline for Multiple Offenses
- 504.290 Restitution Procedures
- 504.300 Restoration of Good Time

SUBPART C: ADMINISTRATION OF DISCIPLINE -- COMMUNITY SERVICES

- Section 504.400 Applicability
- 504.402 Definitions
- 504.405 Responsibilities
- 504.410 Offenses and Maximum Penalties
- 504.420 Preparation of Disciplinary Reports
- 504.430 Temporary Confinement
- 504.440 Review of Disciplinary Reports
- 504.450 Adjustment Committee and Program Unit Composition
- 504.460 Adjustment Committee Hearing Procedures
- 504.470 New or Additional Proceedings
- 504.480 Program Unit Hearing Procedures
- 504.490 Computation of Penalty for Multiple Offenses
- 504.500 Restitution Procedures
- 504.510 Restoration of Good Time

SUBPART D: SEGREGATION, INVESTIGATIVE CONFINEMENT AND ADMINISTRATIVE DETENTION -- ADULT

- Section 504.600 Applicability
- 504.602 Definitions
- 504.605 Responsibilities
- 504.610 Placement in Confinement
- 504.620 Segregation Standards
- 504.630 Investigative Confinement
- 504.640 Confinement Pending Transfer (Repealed)
- 504.650 Confinement in Control Segregation
- 504.660 Administrative Detention

SUBPART E: CONFINEMENT PROCEDURES -- JUVENILE

- Section 504.700 Applicability
- 504.710 Definitions
- 504.715 Responsibilities
- 504.720 Placement in Confinement
- 504.730 Confinement Procedures

SUBPART F: GRIEVANCE PROCEDURES FOR COMMITTED PERSONS

- Section 504.800 Applicability
- 504.802 Definitions
- 504.805 Responsibilities
- 504.810 Filing of Grievances
- 504.820 Grievance Officer
- 504.830 Grievance Procedures

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- 504.840 Emergency Procedures
- 504.850 Appeals
- 504.860 Records
- 504.870 Direct Review by Administrative Review Board

SUBPART G: GRIEVANCE PROCEDURES FOR RELEASEES

Section	Applicability
504.900	Definitions
504.905	Responsibilities
504.910	Filing of Grievances
504.920	Review of Grievances
504.930	Appeals
504.940	Offenses and Maximum Penalties -- Adult Division
TABLE A	Offenses and Maximum Penalties -- Juvenile Division
TABLE B	Offenses and Maximum Penalties -- Community Services Division
TABLE C	

AUTHORITY: Implementing the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) and implementing and authorized by Sections 3-2-2, 3-5-2, 3-6-3, 3-8-7, 3-8-8, 3-10-8, and 3-10-9 of the Unified Code of Corrections (Ill. Rev. Stat. 1985, ch. 38, pars. 1003-2-2, 1003-5-2, 1003-6-3, 1003-8-7, 1003-8-8, 1003-10-8, and 1003-10-9). Sections 504.70 and 504.450 are implementing a Consent Decree (U.S. Department of Justice vs. the State of Illinois, #S-CIV-76-0158, S.D. Ill., 1978). Sections 504.80 and 504.460 are also implementing a Consent Order (Arsberry vs. Stelaff, #74 C 1918 and Longstreet vs. Stelaff, #74 C 1951, N.D. Ill., 1982).

SOURCE: Adopted at 8 Ill. Reg. 14427, effective August 1, 1984; amended at 12 Ill. Reg. 8351, effective June 1, 1988; amended at 16 Ill. Reg. _____, effective _____.

SUBPART F: GRIEVANCE PROCEDURES FOR COMMITTED PERSONS

Section 504.802 Definitions

"Chief Administrative Officer" means the highest ranking official of a correctional facility.

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Facility ADA Coordinator" means the person or persons designated by the Chief Administrative Officer to coordinate efforts of the facility in carrying out its responsibilities under

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Title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 504.810 Filing of Grievances

- a) A committed person shall first attempt to resolve incidents, problems or complaints other than complaints concerning disciplinary proceedings through his counselor. If a committed person is unable to resolve his complaint informally or if the complaint concerns a disciplinary proceeding, he may file a written grievance on a grievance form which shall be made available in all living units. A grievance shall be filed within six months of the discovery of the incident, occurrence, or problem which gives rise to the grievance or within six months of the receipt of a decision concerning an informal resolution thereof. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. The grievance procedure shall not be utilized for complaints regarding parole decisions.
- b) The grievance form shall be addressed to the Grievance Officer and shall be deposited in the living unit mailbox or other designated repository.
- c) Staff assistance shall be available for those committed persons who cannot prepare their grievances unaided as determined by institutional staff.

1) All committed persons shall be entitled to invoke the grievance procedure regardless of their disciplinary status or classification.

2) Each facility shall take reasonable steps to ensure that the grievance procedure is accessible to committed persons who are impaired or handicapped disabled.

d) Committed persons must be informed of the grievance procedure at the admitting facility and may request further information regarding the procedure from their counselors.

1) The written procedure shall be available to all committed persons.

2) A committed person unable to speak or read the English language may request that the procedure be explained in his own language.

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- e) Disciplinary action or reprisals may not be taken against a committed person solely for using the grievance procedure. A committed person may submit a grievance alleging that a reprisal has been made against him.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 504.830 Grievance Procedures

- a) A Grievance Officer shall review grievances at least weekly, provided that one or more grievances have been filed.
- b) The Grievance Officer shall promptly submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make recommendations to the Chief Administrative Officer for resolution of the grievance.
- b c) A committed person may be afforded an opportunity to appear before the Grievance Officer. The Officer may call witnesses as he deems appropriate.
- c d) The Grievance Officer shall consider the grievance and report his findings and recommendations in writing to the Chief Administrative Officer within 15 working days after the grievance is received by the Officer, whenever possible. The Chief Administrative Officer shall advise the committed person of the decision in writing within 10 working days after receiving the Officer's report, whenever possible.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART G: GRIEVANCE PROCEDURES FOR RELEASEES**Section 504.905 Definitions**

"Department" means the Department of Corrections.

"Director" means the Director of the Department of Corrections.

"Facility ADA Coordinator" means the person or persons designated by the Director to coordinate efforts of the facility in carrying out its responsibilities under Title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.).

"District Parole Supervisor" means the supervisor of a

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District Parole-Office - Community Services Zone or the supervisor of the Special Intensive Supervision Unit within the Department.

"Releasee" means any committed person who has been released under conditional supervision in Illinois due to parole or mandatory supervised release, but who has not yet been discharged from a correctional facility.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 504.910 Responsibilities

- a) Unless otherwise specified, the Director or District Parole Supervisor may delegate responsibilities stated in this Subpart to another person or persons or designate another person or persons to perform the duties specified.
- b) No other individual may routinely perform duties whenever a Section in this Subpart specifically states the Director or District Parole Supervisor shall personally perform the duties. However, the Director or District Parole Supervisor may designate another person or persons to perform the duties during periods of his temporary absence or in an emergency.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 504.920 Filing of Grievances

Releasees who have been unable to resolve complaints or problems through their assigned parole staff agent or through the Office of Advocacy Services may file a written grievance with the District Parole Supervisor. A grievance shall be filed within six months of the discovery of the incident, occurrence or problem which gives rise to the grievance or within six months of the receipt of an unsuccessful attempt to resolve the issue. However, if a committed person can demonstrate that a grievance was not timely filed for good cause, the grievance shall be considered. Complaints or problems regarding the revocation of release status are not reviewable under this procedure.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 504.930 Review of Grievances

- a) The Parole Supervisor shall promptly submit a copy of any grievance alleging discrimination based on disability to the facility ADA Coordinator. The facility ADA Coordinator shall conduct such investigation as deemed appropriate and make

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recommendations to the Parole Supervisor for resolution of the grievance.

- b) The District-Parole Supervisor shall interview the releasee and shall evaluate and respond to the grievance in writing within 10 working days of receipt, whenever possible. Copies of the grievance and response shall be retained in the releasee's case file.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Special Education
- 2) Code Citation: 23 Ill. Adm. Code 226
- 3) Section Numbers: 226.605
226.640 Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 122, par. 14-8.02.
- 5) A Complete Description of the Subjects and Issues Involved:

The U. S. Department of Education's Office of Special Education Programs (OSEP) is requiring that we make the two changes included in this set of proposed amendments.

First, the word "major" is being deleted from the phrase "a major change in placement" in Section 226.605(b)(4), with the result that a Level I hearing may be requested pursuant to an objection to any change in a child's placement (instead of an objection to a major change). This liberalizes the list of reasons for which a child's parents or other representatives, a local school district, or a student acting on his or her behalf may request a Level I hearing. This is the only change in Section 226.605.

Rights of various parties during a hearing are set forth in Section 226.640. Section 226.640(b) currently provides that parents may request that their child attend the hearing, but that the hearing officer actually determines whether or not the child may attend. However, OSEP has indicated that a child's parents have the right to decide whether the child shall be present. This subsection is being amended so that the parents' request governs the child's attendance, without discretion on the part of the hearing officer. Language has also been added to subsection (a) of this rule to make the role and authority of the hearing officer clear.

- 6) Will this proposed rule replace an emergency rule currently in effect? No

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- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference?
- The rules do not contain an incorporation by reference under Section 5-75 of the Illinois Administrative Procedure Act.
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: These rules will not create or enlarge a state mandate.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted within 45 days of the publication of this notice to:

Jon X. Healy
Agency Rules Coordinator
Illinois State Board of Education
100 North First Street
Springfield, Illinois 62777
(217) 782-4980

- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.

The full text of the Proposed Rule(s) begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER I: STATE BOARD OF EDUCATION

SUBCHAPTER f: INSTRUCTION FOR SPECIFIC STUDENT POPULATIONS

PART 226

SPECIAL EDUCATION

SUBPART A: DEFINITION OF TERMS

Section
226.5 Terms Defined

SUBPART B: RESPONSIBILITY FOR SPECIAL EDUCATION

Section
226.10 Cost to be Borne by Local School District
226.20 Comprehensive Program of Special Education
226.30 Cooperative Special Education Programs
226.40 Rights of Children Requiring Special Education-
Exclusion

SUBPART C: THE ESTABLISHMENT AND ADMINISTRATION OF SPECIAL EDUCATION

Section
226.110 Educational Needs to be Met
226.115 Continuum of Program Options
226.120 Ages for Which Programs are to be Available
226.125 Least Restrictive Environment
226.130 Facilities for Classes for Handicapped
226.135 Written Policies for Handicapped Students' Records
226.140 Director of Special Education
226.145 Supervision
226.150 Role of Local District Administrator
226.155 Responsibilities to Be In Writing
226.160 Approval of Programs and Services Not in Compliance
With this Part

SUBPART D: SPECIAL EDUCATION INSTRUCTIONAL PROGRAMS AND RESOURCE PROGRAMS

Section
226.210 Design of Special Education Instructional Programs
226.215 Curriculum for Instructional Programs
226.220 Factors to Consider in Developing Instructional
Programs
226.225 Instructional Class Size

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226.615 Request for Hearing
 226.620 Denial of Hearing Request (Repealed)
 226.622 Qualifications of Level I Hearing Officers
 226.625 Selection of Level I Hearing Officer
 226.630 Purpose of Hearing (Repealed)
 226.631 Removal of Registered Hearing Officers (Repealed)
 226.632 Scheduling the Hearing
 226.635 Hearings Open to Public and to Child Who is Subject (Repealed)
 226.636 Rights of the Parties Prior to the Hearing
 226.640 Rights of the Parties During the Hearing
 226.650 Hearing Concerning Any Other Controversy (Repealed)
 226.655 Local School District's Responsibility (Repealed)
 226.660 Cross-Examination (Repealed)
 226.665 Rules of Evidence Not Applicable (Repealed)
 226.670 Record of Proceedings
 226.675 Decision of Hearing Officer
 226.680 Filing of an Appeal
 226.682 Filing of Administrative Record
 226.684 Placement of the Child Pending Completion of a Level II Review
 226.685 State Level Review (Repealed)
 226.688 Oral Arguments and Extensions of Time
 226.690 Timeliness and Finality of Reviewing Officer's Decision
 226.692 Monitoring and Enforcement of Decisions; Right of Civil Action; Notice of Funding Ineligibility
 226.695 Reporting of Decisions
 226.698 Enforcement of State Superintendent's Decision (Repealed)

SUBPART K: SURROGATE PARENTS

Section
 226.710 Surrogate Parents
 226.720 Contacting Parents of Child
 226.730 Appointment of Surrogate Parent
 226.740 Notice to School District Concerning Surrogate Parent
 226.750 Expenses for Surrogate Parent
 226.760 Notification that Surrogate Parent is Not Needed
 226.770 Replacement by Natural Parent
 226.780 Immunity of Surrogate Parent

SUBPART L: SPECIAL EDUCATION PERSONNEL

Section
 226.810 Employment of Sufficient and Trained Personnel
 226.820 Qualifications of Professional Instructional Personnel
 226.830 Qualifications of Other Professional Personnel
 226.840 Qualifications of Directors and Assistant Directors

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226.850 Qualifications of Supervisory Personnel
 226.860 Qualifications of Chief Administrator
 226.870 Necessary Noncertified Personnel
 226.880 Function of Special Education Personnel
 226.890 Personnel Development Program

SUBPART M: SPECIAL TRANSPORTATION

Section
 226.910 Eligibility for Transportation
 226.920 Vehicles Used
 226.930 Training of Personnel
 226.935 Provision for Transportation
 226.938 Change in Mode of Transportation
 226.940 Scheduling of Transportation
 226.950 Transportation and Instructional Schedule
 226.960 Transportation to a Residential School

SUBPART N: EVALUATION OF SPECIAL EDUCATION

Section
 226.1010 Evaluation By State Board
 226.1020 Bases of Evaluation
 226.1030 Elements of State Board Evaluation
 226.1040 Availability of State Board Evaluation
 226.1050 Effect of Evaluation on School District

SUBPART O: SPECIAL EDUCATION SERVICES FOR CHILDREN IN RESIDENTIAL CARE FACILITIES

Section
 226.1110 Equal Access for Children in Residential Care Facilities
 226.1112 Definitions from Section 14-7.03
 226.1115 Exclusions When Implementing Section 14-7.03
 226.1120 Enrollment in District Required
 226.1125 Requirements for Educational Program on Site of Orphanage or Children's Home
 226.1130 Approval of Special Education Program at Orphanage or Children's Home
 226.1135 Least Restrictive Environment
 226.1140 IEP for All Children
 226.1145 Compliance With This Part Subject to State Board of Education Evaluation
 226.1150 Criteria for Eligibility of Children
 226.1155 Resident Children Eligible for All Privileges
 226.1160 Local District Policies Applicable
 226.1170 Communications Regarding Child's Special Education
 226.1175 Reimbursement

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- 226.1180 Possible Waiver of Sections 226.1120 and 226.1150
 226.1185 Computation of District's Reimbursement
 226.1190 Preapproval Application
 226.1195 Documentation of Expenses

AUTHORITY: Implementing Article 14 and authorized by Section 2-3.6 of the School Code, (Ill. Rev. Stat. 1989, ch. 122, pars. 14-1.01 et seq. and 2-3.6).

SOURCE: Adopted August 12, 1976; rules repealed and new emergency rules adopted at 2 Ill. Reg. 37, p. 29, effective September 1, 1978, for a maximum of 150 days; rules repealed and new rules adopted at 3 Ill. Reg. 5, p. 932, effective February 1, 1979; emergency amendment at 4 Ill. Reg. 38, p. 328, effective September 15, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 8021, effective July 22, 1981; amended at 6 Ill. Reg. 558, effective December 23, 1981; emergency amendment at 7 Ill. Reg. 6511, effective May 6, 1983, for a maximum of 150 days; emergency amendment at 7 Ill. Reg. 8949, effective July 15, 1983, for a maximum of 150 days; codified at 8 Ill. Reg. 6669; amended at 8 Ill. Reg. 7617, effective May 17, 1984; emergency amendment at 10 Ill. Reg. 3292, effective January 27, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18743, effective October 22, 1986; amended at 10 Ill. Reg. 19411, effective October 31, 1986; amended at 13 Ill. Reg. 15388, effective September 14, 1989; emergency amendment at 14 Ill. Reg. 11364, effective June 26, 1990, for a maximum of 150 days; emergency expired November 23, 1990; amended at 15 Ill. Reg. 40, effective December 24, 1990; amended at — Ill. Reg. —, effective —.

NOTE: Capitalization denotes statutory language.

SUBPART J: LEVEL I AND LEVEL II DUE PROCESS HEARINGS

Section 226.605 Request for Level I Hearing

- a) The parents or other representatives of the child, the school district, or the student acting upon his or her own behalf may request a Level I hearing.
- b) A Level I hearing may be requested for, but not limited to, the following reasons:
 - 1) Objection to signing consent for a proposed case study evaluation or initial placement.
 - 2) Failure of the local school district, upon request of the parents, other persons having primary care and custody of the child, the child, or the State

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Board of Education (in this Subpart, the State Board), to provide a case study evaluation.

- 3) Failure of a local school district to consider evaluations completed by qualified professional personnel outside the school district.
 - 4) Objection to a proposed special education placement, either an initial placement, a continuation of a previous placement, or a major change in the placement.
 - 5) Termination of a special education placement.
 - 6) Failure of the local school district to provide a special education placement consistent with the finding of the case study evaluation and the recommendations of the multidisciplinary conference.
 - 7) Failure of the local school district to provide the least restrictive special education placement appropriate to the child's needs.
 - 8) Provision of special education instructional or resource programs, or related services in an amount insufficient to meet the child's needs.
 - 9) Recommendation for the graduation of an exceptional child.
 - 10) Failure of the local school district to ensure the provisions of Section 226.40.
 - 11) Failure of the local school district to comply with any of these rules and/or the School Code.
 - 12) Failure of the local school district to provide an exceptional child with a free appropriate public education.
- c) Receipt of a request for an impartial due process hearing shall cause the child to remain in his or her current educational placement, unless a mutual agreement is reached between the parents and local school district, until the matter is resolved.

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- d) If the child is receiving no educational service and the parents are seeking initial placement in a public school, the child, with the consent of the parents, must be placed in the public school program until the completion of all the proceedings.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 226.640 Rights of the Parties During the Hearing

- a) The hearing officer shall conduct the hearing in a fair, impartial and orderly manner. The hearing officer shall afford each party an opportunity to present the evidence, testimony, and arguments each party believes necessary to support and/or clarify the issues in dispute and the relief the party is requesting. The hearing officer shall regulate the course of the hearing and the conduct of the parties or their counsel.

- b) The hearing shall be closed to the public unless the parents of the child specifically request that it be an open hearing. The hearing officer shall advise the parents of their right to have the hearing open to the public, and if the parents make such a request, the hearing shall be open. The hearing officer shall also advise the parents that they have the right to request that have the child whose needs and services are in dispute attend the hearing. If the parents request the child's attendance, the hearing officer shall make a specific determination that such attendance will not be detrimental to the child. If the hearing officer determines that attendance by the child will be detrimental to the child, the parent's request shall be denied.

- c) The parties shall have the right to confront and cross-examine witnesses, including those whose attendance they have compelled by issuance of a subpoena.

- d) Either party may prohibit the introduction of evidence which was not disclosed to that party at least five (5) calendar days prior to the hearing.

(Source: Amended at Ill. Reg. _____, effective _____)

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- 1) Heading of the Part: Administrative Hearings And Appeals

- 2) Code Citation: 56 Ill. Adm. Code 2725

- 3) Section Number:
2725.100 Proposed Action:
2725.225 Amended Section
2725.245 Amended Section

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 578.1, 579, 580, 610, 611, 680, 681, 683, 700, 701, 702, 703, 704 and 705.

- 5) A Complete Description of the Subjects and Issues Involved:
Effective July 1, 1989, the Legislature amended the UI Act to change Illinois from a benefit wage ratio experience rating system to a benefit ratio system. As a result, references to the operation of Section 1501F of the Act are obsolete, and implementing rules are not practical use.

The change in Section 2725.225 clarifies that, as a representative of the Director, a hearing officer in an administrative hearing under this Part can discuss a matter pending before him with other Department employees like the field agent who audited the employer. Since the records of the Department are prima facie correct, it is necessary for the hearing officer to understand these records. To the extent that such conversations affect the hearing officer's recommended decision, the substance of the conversations will be made part of the record or the Department employee will testify at the hearing.

The final change is the addition in Section 2725.245 of an example of a circumstance where a request for a continuance would be denied.

- 6) Will the proposed amendment replace an emergency amendment currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed amendment contain incorporations by reference? No.

- 9) Are there any other proposed amendments pending on this part? No.

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10) Statement of Statewide Policy Objectives? Not Applicable.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 24, 1992.

Types of small businesses affected: All businesses are affected the same.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendments begin on the next page:

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER a: GENERAL PROVISIONS

PART 2725

ADMINISTRATIVE HEARINGS AND APPEALS

SUBPART A: GENERAL PROVISIONS

Section
2725.1
2725.3
2725.5
2725.10
2725.15
2725.20
2725.25

Definitions
Burden Of Proof
Designation Of Agents
Computation Of Time
Disqualification Of Agency Employee
Request For Clarification
Form Of Papers Filed

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

2725.100
2725.105
2725.110
2725.115
2725.120

Application For Revision Of Statement Of Benefit Wages
Or Of Statement Of Benefit Charges
Application For Review Of Rate Determination
Protest Of Determination And Assessment
Claim For Adjustments (Credits) And Refunds
Application For Cancellation Of Benefit Wages Or Benefit Charges Due To Lack Of Notice

SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

2725.200
2725.205
2725.210
2725.215
2725.220
2725.225
2725.230
2725.232
2725.235
2725.237
2725.240
2725.245
2725.250
2725.255
2725.260
2725.265

Filing Of Appeal
Pre-Hearing Conference
Notice Of Hearing
Preparation For The Hearing
Telephone Hearings
Ex Parte (One Party Only) Communications
Subpoenas
Depositions
Consolidation Or Severance Of Proceedings
Adding Necessary Parties
Withdrawal Of Petition For Hearing
Continuances
Conduct Of Hearing
Rules Of Evidence
Oral Argument-Memoranda-Post Hearing Documents
The Record

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2725.270 Recommended Decision
2725.275 Objections To Recommended Decision
2725.280 Decision Of Director

AUTHORITY: Implementing and authorized by Sections 701, 702, 703, 706, 1501, 1501.1, 1502, 1502.1, 1508, 1509, 1510, 1700, 1701, 2200, 2201, 2203, 2300, 2301, 2302, 2304 and 2305 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 451, 452, 453, 456, 571, 571.1, 572, 572.1, 578, 579, 580, 610, 611, 680, 681, 683, 700, 702, 703, 704 and 705).

SOURCE: Adopted at 11 Ill. Reg. 11065, effective July 1, 1987; amended at 12 Ill. Reg. 14653, effective September 6, 1988; amended at 12 Ill. Reg. 16060, effective September 23, 1988; emergency amendments at 13 Ill. Reg. 11872, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17383, effective October 30, 1989; amended at 14 Ill. Reg. 5126, effective March 22, 1990; amended at 16 Ill. Reg. 113, effective December 23, 1991; amended at 16 Ill. Reg. 2122, effective January 27, 1992; amended at 16 Ill. Reg. _____, effective _____.

SUBPART B: FILING OF APPLICATIONS AND CLAIMS FOR RELIEF

Section 2725.100 Application For Revision Of Statement Of Benefit Wages Or Of Statement Of Benefit Charges

- a) Applications for Revision of the Statement of Benefit Wages or the Statement of Benefit Charges must be filed at the address specified on such Statement, within 45 days of the mailing of such Statement, as provided in Section 1508 of the Act.
- b) An Application shall set forth: the name and Social Security account number of each claimant whose benefit wages or benefit charges are contested; the amount of benefit wages or benefit charges contested or the weeks of benefit wages or benefit charges contested; the year and quarter of the Statement contested; and, in some cases (see subsection (1) below), a statement of facts providing the basis for relief upon which the employer relies in its Application.
 - 1) If the employer is charged benefit wages and did not receive notice of the claim, despite the Agency's record of the mailing date of a "Notice of Finding to a Base Period Employer" (BIS-305) shown on the Statement of Benefit Wages (Ben-118), the

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employer must allege this fact and, at a hearing, must prove lack of notice and must show the reasons why the payment of benefits to the claimant for the weeks charged, or the charging of benefit wages to the employer, is improper.

- A) If an employer was served with a Notice of Finding or Reconsidered Finding (BIS-305) pursuant to Section 701 or 703 of the Act, the employer may not object to the benefit wages on the basis that the employer was not an employer during the base period of the claimant, that the claimant was not performing services in employment for the employer or that the wages as shown on such finding are incorrect.
- B) If an employer was served with a Notice of Finding (BIS-305), the employer's remedy for relief of the benefit wages is an appeal of the finding pursuant to Section 800 of the Act or a request for reconsideration of the finding pursuant to Section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.
- C) If the finding is subsequently modified or reversed, the benefit wages will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).

- 2) If an employer alleges that the benefit wages or benefit charges arose from the payment of benefits to a claimant for weeks of eligibility to which the employer was entitled to notice of a determination pursuant to Sections 702 or 703 of the Act, and was not notified of such determination of eligibility and the claimant was improperly paid benefits, the employer must show that it filed in response to notice of the claim, a timely (see 56 Ill. Adm. Code 2720.30) Notice of Possible Ineligibility or letter in lieu thereof alleging that the claimant was ineligible for benefits for the weeks charged and did not receive a determination of eligibility or decision holding the Notice of Possible Ineligibility or letter in lieu thereof as insufficient or untimely.

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A) A copy of the allegedly unanswered Notice of Possible Ineligibility or letter in lieu thereof should, if possible, be included with the Application, together with any subsequent documentation where applicable, such as a Referee or Board of Review decision holding the Notice of Possible Ineligibility as sufficient.

B) If the employer did not file a timely and sufficient Notice of Possible Ineligibility or letter in lieu thereof (pursuant to 56 Ill. Adm. Code 2720.130) in response to the notice of claim or if a determination of eligibility was served upon the employer, the employer's remedy is to request a reconsidered determination from the local office Claims Adjudicator where the claimant filed for benefits, pursuant to Section 703 of the Act or to file an appeal to the determination under Section 800 of the Act.

C) If the determination of eligibility for the weeks charged is reversed, the employer will receive appropriate relief from the benefit wages or from the benefit charges through the operation of Section 706 of the Act.

3) If the employer is charged for benefits and claims that it was not sent a notice that a claim was filed, the employer must allege this fact and, at a hearing, must prove lack of notice and must show the reasons why the payment of benefits to the claimant for the weeks charged is improper.

A) If an employer was served with a notice that a claim was filed, the employer's remedy for relief of the benefit charges is its protest of the claimant's eligibility pursuant to Section 800 of the Act or a request for reconsideration of a determination pursuant to Section 703 of the Act with the Claims Adjudicator at the local office where the claimant filed for benefits.

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B) If the determination is subsequently modified or reversed, the benefit charges will be modified or cancelled, as appropriate, through the operation of Section 706 of the Act. (See 56 Ill. Adm. Code 2720).

4) When the employer alleges that a clerical error was made by the Agency, the nature of the clerical error and its effect on the benefit wages or benefit charges must be clearly stated. A copy of the material bearing the error must accompany the Application.

5) Where the employer alleges that the benefit wages are non-chargable because part-time work provided by the employer during the claimant's base period was continued into the applicable benefit year pursuant to Section 1501P of the Act, there must be a specific allegation that the employer provided during the applicable benefit year substantially the same part-time work as he did during the base period of the claimant, in determining whether the part-time work is substantially the same as provided in the base period, consideration shall be given to the number of hours worked and the amount of wages earned. The employer must furnish information to support the allegations, which may include a record of earnings and working hours in each calendar week following the initial claim during the period covered by the Statement of Benefit Wages (Ben-118) and an equivalent record showing that earnings and working hours are on the same basis and substantially the same amount as during the base period of the claimant while performing services for the employer.

c) An Application which fails to meet the criteria in sub-section (b)(1) thru (4) shall be ruled insufficient, and the Director shall serve notice of such ruling and the basis therefor upon the employer. The ruling shall be final and conclusive unless the employer files, within 20 days of the date of mailing of the ruling, a written objection or a revised Application for Revision of the Statement of Benefit Wages or Statement of Benefit Charges, specifically responding to the reasons the original Application was ruled insufficient. The written objection or revised Application shall be reviewed

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and, if sufficient, an order issued. An employer disagreeing with such order may appeal to a Director's Representative under Subpart C of this Part if such appeal is taken within 20 days of the date of mailing of the order. If the written objection or revised Application is still found to be insufficient, it shall again be ruled insufficient, and such ruling shall be final and subject to review under the State's Administrative Review Law (Ill. Rev. Stat. 19879, ch. 110, pars. 3-110 et seq.).

1) Where an employer alleges that benefit wages should have been transferred from such employer's account to the next subsequent employer pursuant to Section 1501 of the Act, reference must be made to the copy furnished of the Notice of Claims Adjudicator's Decision (Ben-135) or the Director's Decision, which is the basis for the requested transfer.

A) No transfer of benefit wages may be initiated through an Application for Revision of Statement of Benefit Wages but must be requested from the Claims Adjudicator at the local office where the claim was filed.

B) If an employer has previously submitted a request for transfer of benefit wages with the local office, it should resubmit the request with proof of filing the original request.

2) Where an employer alleges that a claimant was not an unemployed individual under Section 239 of the Act during a period when such claimant was paid benefits, no relief shall be available under Section 1508 of the Act, but the matter shall be referred to the local office where the claimant last filed a claim for benefits for investigation to which such employer shall be a party. If the claimant is determined ineligible, appropriate relief will be granted to such employer under Section 706 of the Act.

32) Where an employer alleges that his Statement of Benefit Charges is incorrect because it is not the chargeable employer pursuant to Sec-

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tion 1502.1 of the Act, such Application must contain a reference to and a copy of the decision which reverses the claims adjudicator and holds that the employer is not the chargeable employer. Unless the employer has filed a timely request for reconsideration to the decision that the claims adjudicator has found it to be the chargeable employer, pursuant to 56 Ill. Adm. Code 2765.325 or 2765.326, such employer shall not be entitled to a revision of its "Statement of Benefit Charges".

d) Upon receipt of a sufficient Application, the Application shall be ordered allowed or denied in whole or in part and notice of such order stating the basis therefor shall be mailed to the employer. Such application will be allowed in part and denied in part where the employer has contested multiple benefit wages or benefit charges but has made sufficient allegations on some but not all. Such order shall become final and conclusive at the expiration of 20 days from the date of mailing of such order, unless the employer shall have filed a Petition specifying its objections thereto.

e) Where the allegation in the Application is lack of notice of a determination or reconsidered determination and the ineligibility of the claimant for a specific reason, such employer shall be sent either a copy of the original determination or reconsidered determination, as may be applicable, and if the allegation of lack of notice proves to be true, the period for filing a timely appeal under Section 800 of the Act and 56 Ill. Adm. Code 2720, Subpart C shall begin from the date of mailing of the copy of the determination or reconsidered determination.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART C: APPEAL TO DIRECTOR'S REPRESENTATIVE

Section 2725.225 Ex Parte (One Party Only) Communications

a) The Director's Representative shall not initiate ex parte communications, directly or indirectly, in any

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matter, in connection with any substantive issue, with any interested person or party. If the Director's Representative receives any such ex parte communication, including any documents, he shall inform the other parties of the substance of any such oral communication and provide copies of any such written communication or documents. The other party shall be given an opportunity to review any such ex parte communication.

- b) Nothing shall prevent the Director's Representative from communicating ex parte about routine matters such as requests for continuances or opportunities to inspect the file, as long as all parties are informed of the substance of the ex parte communication. The date and type of communication, the persons involved and the results of such routine communications shall be part of the record.

- c) Nothing in this Section shall be construed so as to prevent the Director's Representative from discussing with other Department employees information which is relevant to the matter. To the extent that such information is considered by the Director's Representative in making his decision in the matter, this information must be made part of the record.

Example: In order to understand an audit which is the basis for a Determination and Assessment, a hearing on which is pending before the Director's Representative, he must discuss this audit with the field agent who performed the audit. To the extent that this discussion is a consideration in his decision in this matter, this information must be made part of the record.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 2725.245 Continuances

All requests for continuances of hearings or pre-hearing conferences must be either in writing or on the record and must set forth the reasons for such request. The Director's Representative to whom the matter was assigned, or the supervisor if the Director's Representative is not available, shall grant a continuance for good cause shown, such as the unavailability of a witness or a party due to accident, illness or circumstances beyond the person's control. In that event, the hearing will be ~~rescheduled~~ to set for the

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earliest mutually agreeable time and date, the agency will inform all parties of the date and time of the ~~rescheduled~~ continued hearing.

Example: A continuance is requested because a party's attorney has a conflict in his schedule because he has an appointment with a client or a court appearance scheduled for the same time as the hearing before the Referee. Unless the appointment or court appearance is an emergency matter for which the attorney had less than 24 hours notice, such a conflict will not constitute good cause for a continuance. Absent emergency circumstances, it will be incumbent on the attorney to reschedule his other appointment or court appearance or obtain substitute counsel to appear in his stead.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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1) Heading of Part: Procedures for Issuing Loans from the Water Pollution Control Revolving Fund

2) Code Citation: 35 Ill. Adm. Code 365

3) Section Numbers: Proposed Action:

365.103	Amended
365.104	Amended
365.203	Amended
365.304	Amended
365.401	Amended
365.402	Amended
365.403	Amended
365.404	Amended
365.405	Amended
365.503	Amended
365.602	Amended
365.603	Amended
365.604	Amended
365.803	Added
365.903	Amended
365.1101	Amended

4) Statutory Authority: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1019.1 through 1019.9).

5) A Complete Description of the Subjects and Issues Involved:

- a) The proposed amendments in Sections 365.203(b)(1), 402(e) (previously 402(d)), 402(f) (previously 402(e)), 403(a), 403(b)(3), 602 and 603 are minor and serve to clarify various issues.
- b) A definition was added to Section 365.103 for the word "principal".
- c) Additional federal statutes were added to Section 365.104(b) for reference.
- d) The amendment in Section 365.304(b) clarifies the minimal requirements for engineering contracts for design.
- e) Amendments in Sections 365.401(b) and 402 are required as a result of the promulgated loan priority rules entitled "Procedures and Requirements for Determining Loan Priorities For Municipal Wastewater Treatment Works", 35 Ill. Adm. Code Part 366.

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f) Subsection 365.402(d) was added to specify when a project with approved facility planning may be added to the Project Priority List.

g) Section 365.403(b) was modified to address a new requirement concerning the Illinois Purchasing Act and the loan applicant's federal taxpayer identification number.

h) Section 365.403(b)(16)(18) was modified to provide more flexibility in the timing of the initiation of construction for loan applicants that are able to meet the qualifications for self-certification of their procurement systems as outlined in the new subsection 365.604(e).

i) Section 365.404(b)(1) was modified to allow additional projects to be funded at the compliance interest rate.

j) Modifications to Section 365.405 were made to clarify issues concerning refinancing by specifically including bid costs as eligible, to allow loan applicants that have received approval to proceed with the initiation of construction on a loan project without jeopardizing eligibility for costs incurred prior to the receipt of the loan agreement and to correct conflicting language in subsection (b).

k) Modifications to Section 365.503(e) were made to alleviate public hearing scheduling problems for loan applicants. The previous requirement that a public hearing be held by the loan applicant within 30 days of the receipt of the Preliminary Environmental Impacts Determination proved to be an unreasonably short period of time.

l) Section 365.602(b)(3)(B) was modified to delete the requirement that self-certified loan applicants submit and receive written Agency approval of the bid evaluation prior to the award of the construction contract.

m) In Section 365.602(d)(3), the requirement concerning State wage provisions was deleted because the federal Davis-Bacon wage provisions take precedence over State wage provisions. A reference was also added for the Davis-Bacon Act.

n) Section 365.603 was modified to clarify the minimal requirements for engineering contracts for design.

o) Section 365.603 was also modified to reorganize loan requirements for consulting engineering agreements.

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this rule within 35 days of the date of this publication. Written comments should be directed to:

Ronald P. Drainer
Division of Water Pollution Control
Illinois Environmental Protection Agency
2200 Churchill Road
P.O. Box 19276
Springfield, Illinois 62794-9276
217/782-2027

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:
- B) Types of small businesses affected: No small businesses will be affected by the proposed amendment.
- C) Reporting, bookkeeping or other procedures required for compliance: Not applicable.
- D) Types of professional skills necessary for compliance: Not applicable.

The full text of the proposed amendments begins on the next page:

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p) Section 365.604 was added to specify the requirements that a loan applicant must meet in order to receive Agency approval to self-certify their procurement system.

q) A new Section 365.803 was added to require loan recipients to comply with the provisions of the Single Audit Act (P.L. 98-502).

r) A new subsection (e) was added to Section 365.903 to provide the Agency with the flexibility to issue loans with terms less than the 20 year maximum, if appropriate.

s) Section 365.1101(a) was changed to require the first repayment six months after the initiation of operation date rather than 90 days after the initiation of operation date. The additional 90 days will allow the Agency time to conduct an interim audit and send the loan recipient the repayment schedule at least 60 days prior to the due date of the first repayment.

t) Subsections (b) and (c) of Section 365.1101 were deleted and replaced with new subsections for the following reasons:

1) Section 365.1101(b) in the current rules is included with item c in the revised rules. The new item (b) in the revised rules allows for an interim repayment schedule to be provided after the scheduled initiation of operation date.

ii) This item combines (b) & (c) from the previous rules as discussed above.

iii) Item (d) was added to clarify when the interim and final repayment periods begin.

6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? Yes ☒ No

8) Does this proposed amendment contain incorporations by reference? Yes.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: This rule does not create or enlarge a mandate under Section 3 of the State Mandates Act, Ill. Rev. Stat. 1985, ch. 85, par. 2203.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments on

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE C: WATER POLLUTION

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 365

PROCEDURES FOR ISSUING LOANS FROM THE WATER POLLUTION CONTROL REVOLVING FUND

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365.102 Administration
365.103 Definitions
365.104 Incorporations by Reference

SUBPART B: FEDERAL REQUIREMENTS FOR THE FUND

Section
365.201 Involvement of USEPA in the Operation of the Fund
365.202 Uses of the Fund
365.203 Agency Responsibilities under Title VI of the CWA
365.204 Requirements for Loan Recipients under Title VI of the CWA

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH LOAN PROCEDURES

Section
365.301 Noncompliance with Loan Procedures
365.302 Stop-Work Order
365.303 Termination
365.304 Waiver of Procedures

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section
365.401 Project Priority Determination
365.402 Pre-Applications for Financial Assistance and Identification of Projects to be Funded
365.403 Financial Assistance Application and Approval
365.404 Interest Rates
365.405 Restrictions on Refinancing
365.406 Limitation on Design Cost

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section
365.501 Sewer System Evaluation and Rehabilitation
365.502 Loan Applicant's Responsibilities During Facilities Planning

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365.503 State Environmental Review
365.504 Limitations on Awards for Individual Systems
365.505 Value Engineering Requirements
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SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section
365.601 Loan Requirements for all Subagreements
365.602 Construction Contracts of Loan Recipient
365.603 Contracts for Personal and Professional Services -- Consulting Engineering Agreements
365.604 Compliance with Procurement Requirements for Construction Contracts
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SUBPART G: REQUIREMENTS APPLICABLE TO CONSTRUCTION INITIATION, CHANGES, COMPLETION AND OPERATION OF PROJECT

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365.701 Construction Initiation
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SUBPART I: REQUIREMENTS FOR SEMER USE ORDINANCE, USER CHARGES, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

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365.901 Sewer Use Ordinance
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SUBPART J: REQUIREMENTS APPLICABLE TO DISBURSEMENT OF LOANS TO RECIPIENTS

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Section

- 365.1001 Determination of Allowable Costs
- 365.1002 Use of Loan Funds and Payment of Unallowable Costs
- 365.1003 Disbursement of Loan Funds

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

Section

- 365.1101 Loan Repayment to the Agency
- 365.1102 Delinquent Loan Repayments

Section 365.APPENDIX A Executive Orders

- Section 365.EXHIBIT A Executive Order 11625
- Section 365.EXHIBIT B Executive Order 12138
- Section 365.EXHIBIT C Executive Order 12549

AUTHORITY: Implementing and authorized by Sections 19.1 through 19.9 of the Environmental Protection Act, (Ill. Rev. Stat. 1989, ch. 111 1/2, pars. 1019.1 through 1019.9).

SOURCE: Adopted at 13 Ill. Reg. 7351, effective May 1, 1989; amended at 111. Reg. _____, effective _____.

Capitalization denotes statutory language.

SUBPART A: INTRODUCTION

Section 365.103 Definitions

- a) Unless specified otherwise, all terms shall have the meanings set forth in the Environmental Protection Act (Act) (Ill. Rev. Stat. 1987, ch. 111 1/2, par. 1001 et seq.) and regulations adopted under that Act 35 Ill. Adm. Code: Subtitle C and the Clean Water Act (CWA), as amended (33 U.S.C. 1251 et seq.).

- b) For the purposes of this Part, the following definitions apply:

Addenda -- Documents issued by the loan applicant after advertisement for bids, which modify or interpret the contract documents, drawings, and specifications, by additions, deletions, clarifications or corrections.

Agency -- Illinois Environmental Protection Agency

Alternative Technology -- Proven wastewater treatment processes and techniques which provide for the reclaiming and reuse of water, productively recycle wastewater constituents or otherwise eliminate the discharge of pollutants, or recover energy. Specifically, alternative technology includes land application

of effluent and sludge; aquifer recharge; aquaculture; direct reuse (non-potable); horticulture; revegetation of disturbed land; containment ponds; sludge composting and drying prior to land application; self-sustaining incineration; methane recovery; individual and on-site systems; and small diameter pressure and vacuum sewers and small diameter gravity sewers carrying partially or fully treated wastewater.

Best Practicable Waste Treatment Technology (BPMTT) -- The cost effective technology that is able to treat wastewater, combined sewer overflows and nonexcessive, infiltration and inflow in publicly owned or individual wastewater treatment works.

Binding Commitment -- A legal obligation between the Agency and a local government unit to provide financial assistance from the Fund to that local government unit, specifying the terms and schedules under which assistance is provided. The loan agreement will be considered a binding commitment.

Capitalization Grant -- The actual federal funds received by the Agency for deposit into the Fund as a result of the capitalization grant agreement with the USEPA.

Capitalization Grant Agreement -- The agreement entered into each federal fiscal year between the Agency and the USEPA for the purpose of providing a grant to capitalize the Fund and enable the Agency to provide assistance for construction of wastewater treatment works.

Change Order -- A written order by the loan recipient to the contractor authorizing an addition, deletion or revision in the work within the general scope of the contract documents, or authorizing an adjustment in the contract price or contract time.

Compliance Projects -- A project which consists of construction, expansion, or upgrading of a wastewater treatment works necessary to meet State and federal requirements as specified in 35 Ill. Adm. Code: Subtitle C, and the CMA respectively.

Construction -- Any one or more of the following which is undertaken for a public purpose: preliminary planning to determine the feasibility of the wastewater treatment works, engineering, architectural, legal, fiscal or economic investigations, or studies, surveys, designs, plans, working drawings, specifications, procedures or other necessary actions, erection, building, acquisition, alteration, remodeling, improvement or extension of wastewater treatment works, or the inspection or supervision of any of the foregoing items.

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Contract Documents -- The contract, including advertisement for bids, information for bidders, bid, bid bond, agreement, payment bond, performance bond, notice of award, notice to proceed, change order, drawings, specifications, and addenda.

Cost-Effectiveness Analysis -- An analysis of the feasible conventional, innovative and alternative wastewater treatment works, processes and techniques capable of meeting the applicable effluent, water quality and public health requirements over the design life of the facility while recognizing environmental and other non-monetary considerations.

CWA -- The Clean Water Act, as amended (33 U.S.C. 1251 et. seq.).

Dedicated Source of Revenue -- The type of security and the basis of legal authorization which are dedicated by legislative enactment or other appropriate authority along with the applicable revenue source pledged for repayment and deposited into an account restricted to the purpose of loan repayment to the fund, which is sufficient to repay the principal and interest on the loan.

Design -- All administrative, legal, and engineering tasks, subsequent to facilities plan approval but prior to advertisement for bid proposal, associated with receiving approval of a loan application. This shall include the following: surveys, designs, plans, working drawings, specifications, soil investigations and any other tests or process determinations required to establish design criteria, and development of user charge systems and sewer use ordinances.

Director -- Director of the Illinois Environmental Protection Agency.

Emergency Project -- A project resulting from an unanticipated mechanical, structural or electrical failure that directly causes or threatens to cause a wastewater treatment works to operate in violation of State or federal requirements for wastewater treatment as specified in 35 Ill. Adm. Code: Subtitle C, and the CWA.

Fund -- The Water Pollution Control Revolving Fund as authorized by P.A. 85-1135, effective September 1, 1988.

Infiltration -- Water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connection, or manholes.

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Inflow -- Water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash water, or drainage.

Initiation of Operation -- The date specified by the loan agreement on which use of the project began operation for the purposes that it was planned, designed, and constructed.

Innovative -- Those wastewater treatment processes and techniques that are developed methods which have not been fully proven under the circumstances of their contemplated use and which represent a significant advancement over the state of the art in terms of meeting the national goals of cost reduction, increased energy conservation or recovery, greater recycling and conservation of water resources, reclamation or reuse of effluents and resources, improved efficiency and/or reliability, the beneficial use of sludges or effluent constituents, better management of toxic materials or increased environmental benefits.

Intended Use Plan -- A plan which includes a description of the short and long term goals and objectives of the Fund, project categories, discharge requirements, terms of financial assistance and the communities to be served.

Loan Agreement -- The contractual agreement between the Agency and the local government unit which states the terms and conditions governing the loan issued from the Fund.

Loan Applicant -- The local government unit which has applied for a loan from the Fund for construction of a wastewater treatment works.

Loan Commitment Letter -- The letter that is sent by the Agency to the loan applicant which reserves loan funds and identifies the requirements that must be satisfied prior to the execution of the loan agreement.

Loan Procedures -- The Procedures For Issuing Loans From The Fund (This Part).

Loan Recipient -- The local government unit which has been provided a loan for construction of a wastewater treatment works from the Fund.

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Local Government Unit -- A county, municipality, township, municipal or county sewerage or utility authority, sanitary district, improvement authority or any other political subdivision whose primary purpose is to construct, operate and maintain wastewater treatment works.

Market Interest Rate -- The mean interest rate of the 20 General Obligation Bond Buyer Index, as published weekly by the Bond Buyer newspaper, from July 1 to June 30 of the preceding fiscal year rounded to the nearest one hundredth of a percent.

Operating Agreement -- The agreement between the Agency and the USEPA that establishes the policies, procedures and activities for the application and receipt of federal capitalization grant funds for capitalization of the Fund.

Principal -- All disbursements and interest accrued on the disbursements that have not been repaid at the time the repayment schedule period begins.

Project -- The activities or tasks the Agency identifies in the loan agreement for which the loan recipient may expend loan funds.

Project Priority List -- An ordered listing of projects developed in accordance with the priority system, as described in Section 365.401 (Project Priority Determination) which the Agency has determined are eligible to receive financial assistance from the Fund.

Responsible Bid -- Bid that demonstrates the apparent ability to successfully meet all the requirements specified in the contract documents. Information required to demonstrate responsibility may be corrected or submitted after bid opening.

Responsive Bid -- Bid that complies with all meaningful or material aspects of the contract documents. The bid must constitute a definite and unqualified offer to meet the material requirements of the contract documents including any terms that affect price, quality, quantity or time of delivery, or are clearly identified in the contract documents to be complied with at the risk of bid rejection for non-responsiveness. Bid defects resulting in a non-responsive bid may not be corrected after the bid opening.

Subagreement -- A written agreement between the loan recipient and another party and any tier of agreement thereunder to furnish services, supplies, or equipment necessary to complete

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the project for which a loan was provided, including contracts for personal and professional services and purchase orders.

Title II -- Title II of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title III -- Title III of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title IV -- Title IV of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Title VI -- Title VI of the federal Clean Water Act (33 U.S.C. 1251 et seq.).

Treatment Works -- Any devices and systems owned by a local government unit and used in the storage, treatment, recycling, and reclamation of sewerage or industrial wastes of a liquid nature, including intercepting sewers, outfall sewers, sewage collection systems, pumping power and other equipment, and their appurtenances; extensions, improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process.

Useful Life -- The estimated period during which a wastewater treatment works will be operated.

USEPA -- The United States Environmental Protection Agency.

User Charge -- A charge levied on the users of a treatment works to produce adequate revenues for the operation, maintenance and replacement of the treatment works.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

Section 365.104 Incorporations by Reference

a) The following publications are incorporated by reference:

- 1) American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987)
- 2) Operation of Wastewater Treatment Plants, 1980, 2nd edition (three volumes) (California State University, Sacramento)

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- 3) Operation and Maintenance of Wastewater Collection Systems, 1983, 1st edition (California State University, Sacramento)
- b) The following federal statutes are incorporated by reference:
- 1) Clean Water Act, as amended (33 U.S.C. 1251 et seq.)
 - 2) Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646)
 - 3) National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127)
 - 4) Civil Rights Act of 1964, as amended (P.L. 88-352)
 - 5) Davis-Bacon Act (40 U.S.C. 276a through 276a-5)
 - 6) Single Audit Act of 1984 (31 U.S.C. 7501 et seq.)
- c) This Part incorporates no future editions or amendments.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART B: FEDERAL REQUIREMENTS FOR THE FUND

Section 365.203 Agency Responsibilities under Title VI of the CWA

- a) The Fund must be established in accordance with the requirements of Title VI prior to the receipt of the capitalization grant for deposit into the Fund.
- b) The Agency will prepare an Intended Use Plan and negotiate an Operating Agreement with the USEPA which will be the basis for the Capitalization Grant Agreement. These documents establish the procedures, activities, and assurances for operation of the Fund including but not limited to the following:

- 1) Grant payments will be accepted in accordance with a payment schedule established jointly by the Agency and the USEPA under 601(b) of the CWA and will be deposited into the Fund; as drawdowns to the federal letter of credit are approved;
- 2) A 20 percent State match will be deposited into the Fund according to an agreed upon schedule;
- 3) A listing and description of projects on the Project Priority List to be provided financial assistance, their discharge requirements under Titles III and IV of the CWA, and the terms of financial assistance;

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- 4) Binding commitments for 120 percent of each quarterly federal grant payment must be made by the Agency within one year after the receipt of each payment;
- 5) Funds as a result of the Capitalization Grants must first be used to assure maintenance of progress toward compliance with the enforceable deadlines, goals and requirements of the CWA;
- 6) Wastewater treatment works constructed with funds made directly available from the Capitalization Grant must meet the appropriate Title II requirements;
- 7) Loan award and disbursement procedures to document loan applicant's compliance with Title VI requirements;
- 8) Loan repayment period cannot exceed 20 years beyond the initiation of operation date;
- 9) All repayments of loan principal and interest must be deposited into the Fund;
- 10) Annual reporting to the USEPA on the Agency's progress toward meeting its goals and objectives; and
- 11) Annual audit of the Fund in accordance with the auditing procedures of the General Accounting Office (U.S.C. Chapter 75, Title 31).

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART C: LIABILITIES AND REMEDIES FOR FAILURE TO COMPLY WITH LOAN PROCEDURES

Section 365.304 Waiver of Procedures

- a) Except as stated in subsection (b) below or otherwise required by law, the Director may waive any of the loan procedures, either in whole or in part, with respect to any loan, by a statement made in writing to the loan applicant, either as a special condition of the loan offer or otherwise provided the purpose of the requirement waived is not considered by the Director to be necessary to insure the integrity of the project, will not reduce an applicant's ability to repay the loan to the Agency or will not, in general, weaken the financial position of the Fund. The waiver may be subject to such additional conditions as the Director may deem necessary.

- b) The following procedure(s) will not be waived:

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- 1) Section 365.401 (Project Priority Determination)
- 2) Section 365.404 (Interest Rates)
- 3) Section 365.501 (Sewer System Evaluation and Rehabilitation)
- 4) Section 365.502 (Loan Applicants Responsibilities During Facilities Planning)
- 5) Section 365.503 (State Environmental Review)
- 6) Section 365.504 (Limitations on Awards for Individual Systems)
- 7) Section 365.505 (Value Engineering Requirements)
- 8) Section 365.506 (Areawide Waste Treatment Management Planning)
- 9) Section 365.602(d)(3) (Wage Provisions)
- 10) Section 365.602(d)(4) (MBE/MBE Requirements)
- 11) Section 365.603(b)(1)(D) (MBE/MBE Requirements)
- 12) Section 365.603(b)(1)(G) (Debarred or Suspended Certification)
- 13) Section 365.705 (Operation and Maintenance of the Project)
- 14) Section 365.707 (Project Performance Certification)
- 15) Section 365.901 (Sewer Use Ordinance)
- 16) Section 365.902 (User Charges)
- 17) Section 365.904 (Dedicated Source of Revenue)

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART D: PROCEDURES FOR ISSUANCE OF LOANS

Section 365.401 Project Priority Determination

- a) Financial assistance may be provided from the Fund, only to local government units that have projects which are on the Project Priority List developed by the Agency.
- b) The Project Priority List sets forth the priority for receipt of loans for each loan applicant. Priorities are established in accordance with Agency rules 35 Ill. Adm. Code 364 366 (Procedures

and Requirements for Determining ~~Construction-Grant~~ Loan Priorities for Municipal Sewage Wastewater Treatment Works Needs), after the completion and submittal of a loan pre-application by the loan applicant pursuant to Section 365.402 (Pre-Applications for Financial Assistance and Identification of Projects to be Funded).

- c) Projects on the Project Priority List will be included on the list of projects in the Intended Use Plan in priority order, provided the project is scheduled to initiate construction by March 31 of the subsequent federal fiscal year.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 365.402 Pre-Applications for Financial Assistance and Identification of Projects to be Funded

- a) The pre-application will be submitted by the loan applicant to the Agency in order to determine the relative priority of the project on the Project Priority List and shall include:

- 1) A description of the proposed project;
- 2) An estimated project cost;
- 3) Documentation of the need for the proposed project; and
- 4) A proposed schedule for construction;
- 5) Project classification (35 Ill. Adm. Code 366);
- 6) Discharge location point; and
- 7) Population tributary to the project.

- b) Loan applicants for financial assistance, during any federal fiscal year commencing October 1, must file a new pre-application annually on or before the preceding March 31 to qualify for possible inclusion in the Intended Use Plan, except as provided in subsection (c) below.

- c) Pre-applications for emergency projects may be filed at any time.

- d) A project with approved facility planning may be added to the Project Priority List at any time by the submission of a pre-application.

- de) By July 1 of each calendar year, the Agency shall publish a list of the projects which are proposed for funding during the next federal fiscal year commencing October 1. These projects will be included in the Intended Use Plan.

- ef) After January 1 of each federal-fiscal year, the Agency may substitute other projects listed on the Project Priority List for funding in lieu of the projects in the Intended Use Plan identified in (d) above, if the latter does not meet the schedule contained in the pre-application.

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fg) The Agency may substitute emergency projects in lieu of projects in the Intended Use Plan, if their priority ranking would place them higher than those listed in the current Intended Use Plan.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 365.403 Financial Assistance Application and Approval

- a) The following is required prior to a loan commitment letter for projects listed on the annual Intended Use Plan:
 - 1) Completed loan application for financial assistance which includes a proposed disbursement schedule;
 - 2) An approved facilities plan (including an inventory of environmental impacts) in accordance with Section 365.502 (Facilities Planning);
 - 3) Agreement from the loan applicant to pay from other resources any project related costs not included in the loan;
 - 4) Demonstration that the loan applicant has the legal, institutional, managerial and financial capability to insure adequate building, operation, maintenance and replacement of the project in accordance with Section 365.903;
 - 5) Executed inter-governmental agreement necessary for project implementation, where necessary;
 - 6) Certification that no unlawful or corrupt practice has taken place in the planning or design of the project;
 - 7) Certification that the services of anyone that has been debarred or suspended under federal Executive Order 12549, (reference Appendix A) has not or will not be used for planning, design and construction work; and
 - 8) Resolution or ordinance authorizing a representative of the loan applicant to sign loan application documents.
- b) The following is required of the loan applicant prior to the issuance of the loan agreement:
 - 1) Evidence of compliance with the Relocation and Real Property Acquisition Policies Act of 1970 (P.L. 91-646);
 - 2) Statement that the necessary project site, rights-of-way, easements and permits for construction of the project have been obtained;

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- 3) Statement of intent to comply with the National Flood Insurance Act of 1968 (42 U.S.C. 4001-4127) in accordance with Section 365.905 (Floodplain Insurance) of this Part;
- 4) An approved sewer use ordinance and user charge system in accordance with the provisions of Sections 365.901 (Sewer Use Ordinance) and 365.902 (User Charges);
- 5) Enactment of an authorized loan security and approved dedicated source of revenue in accordance with the provisions of Section 365.904 (Dedicated Source of Revenue);
- 6) Statement regarding contracts awarded under the Illinois Purchasing Act (Ill. Rev. Stat. 1989, Ch. 127, pars. 10-1 and 10-2) and the loan applicant's federal taxpayer identification number (74 Ill. Adm. Code 290.1203);
- 67) Construction drawings and specifications, suitable for bidding purposes;
- 78) A construction permit application and permit or "authorization to construct" from the Agency, pursuant to the provisions of 35 Ill. Adm. Code 309.154 and 309.202; whichever may be applicable;
- 89) Identification of project performance standards;
- 91) Project completion schedule;
- 101) A proposed loan disbursement schedule;
- 112) An executed engineering contract for design and construction related work which includes a method of compensation, an access to records clause, a covenant against contingent fees clause, a scope of work, a time of completion, an MBE/MBE clause and certification that the services of anyone that has been debarred or suspended will not be used;
- 123) An approved value engineering study if the estimated project costs exceed \$10 million in accordance with Section 365.505;
- 131) Compliance report [Title VI, Civil Rights Act of 1964 as amended (P.L. 88-352) and Section 13 of the CMA];
- 141) Evidence of compliance with any other applicable State and federal statutory and regulatory requirements;

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16162 A copy of the bid advertisement(s) if the loan applicant is not self-certified in accordance with Section 365.604(e) of this Part;

16172 Any addenda issued by the loan applicant, if applicable;

17182 Summary and recommendations as a result of the review of the bids; if the loan applicant is not self-certified in accordance with Section 365.604(e) of this Part. If the loan applicant is self-certified, only a copy of the low bidder's bid proposal and the bid tabulation is required;

18192 Enactment of an ordinance authorizing the bonds, notes or other evidence of indebtedness to be delivered to the Agency pursuant to the loan agreement; and

19202 Delivery of a legal opinion from the loan recipient's legal counsel with respect to the validity and enforceability of the loan recipient's obligations and the absence of conflicts with other agreements, bonds or ordinances.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 365.404 Interest Rates

The interest rates charged for a wastewater loan shall be a simple annual interest rate as follows:

- a) One-half of the market interest rate but not less than 2.50 percent, except as provided in subsection (b) below.
- b) 2.50 percent for compliance projects provided that:

1) The loan applicant submits to the Agency within 180 days of the effective date of this Part, by October 28, 1989, documentation to justify that the proposed project qualifies under the definition of Compliance Project as contained in Section 365.103(b)(9) of this Part, or was included in an enforceable order (Judicial Order, Approved Municipal Compliance Plan, Illinois Pollution Control Board Order or NPDES permit pursuant to 35 Ill. Adm. Code: Subtitle C) issued on or before October 28, 1989; or

2) The Agency concurs with the justification submitted and agrees that the project qualifies under the definition of Compliance Projects. The Agency will notify the loan applicant in writing of its decision; and

3) The loan applicant provides necessary information and loan applications pursuant to Sections 365.402, 365.403(a) and

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365.403(b) in a manner consistent with the Agency's management of the annual Intended Use Plan and Project Priority List; and

- 4) The compliance project is included in an enforceable schedule (Judicial Order, Illinois Pollution Control Board Order or permit compliance schedule pursuant to 35 Ill. Adm. Code: Subtitle C) before the issuance of the loan agreement and the loan is offered prior to June 30, 1992, 1999.

(Source: Amended at Ill. Reg. _____, effective _____)

Section 365.405 Restrictions on Refinancing

- a) No project cost incurred prior to the execution of the loan agreement shall be eligible for loan assistance except:

1) Design costs as set forth in Section 365.406 (Limitation on Design Cost); and bid costs related to eligible construction contracts; and

2) Compliance project costs where the local obligations were incurred and where construction was initiated after March 7, 1985.

b) Any allowable construction costs incurred more than 90 days after the effective date of this Part must receive Agency approval prior to the award of the construction contract which is related to those costs;

b) Notwithstanding subsection 365.405(a)(2) of this Section, no costs incurred under a construction contract awarded more than 90 days after the effective date of this Part shall be allowable for loan refinancing unless the Agency has granted approval prior to the contract award.

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART E: PLANNING REQUIREMENTS FOR LOAN PROJECTS

Section 365.503 State Environmental Review

- a) Prior to making a final determination on the acceptability of a facilities plan, the Agency will conduct a review of the environmental impacts of the proposed project and shall prepare for public comment a written Preliminary Environmental Impacts Determination. Interested members of the public will be given adequate opportunity to comment both on the facilities plan and the Agency's environmental review. After receiving and assessing public comment, the Agency shall take a final action to approve or disapprove the planning. This determination shall be issued in writing to the loan applicant and interested members of the public.

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- b) The Agency shall not undertake its environmental review until it has determined that the facilities plan conforms to the requirements listed in Sections 365.501 (Sewer System Evaluation and Rehabilitation) and 365.502 (Loan Applicant's Responsibilities During Facilities Planning), and that based on the information available all reasonable measures have been taken in the planning to avoid and mitigate negative environmental impacts.
- c) The scope of the Agency's environmental review shall include, but not be limited to, an assessment of the impacts of both the loan funded project and the overall planning on rare and endangered species, historic/cultural resources, prime agricultural land, air and water quality, recreational areas, wetlands, floodplains and other sensitive environmental areas. The review shall also assess the direct and indirect impacts of construction on the community.
- d) The Agency may identify certain classes of construction projects which, by their limited scope, preclude the potential for negative environmental impacts. The Agency may categorically exclude these projects from environmental review by providing written public notice and soliciting public comment on each project.
- e) The Preliminary Environmental Impacts Determination shall be mailed to the loan applicant and other interested parties, inviting public comment. Within 30 days of receipt of the Agency's preliminary determination, the loan applicant will hold a public hearing on the plan and the Agency's Preliminary Environmental Impacts Determination for the purpose of obtaining public comment.
- f) The time and place of the public hearing shall be conspicuously and adequately announced. In addition, the Agency's Preliminary Environmental Impacts Determination document shall be displayed at a convenient local site sufficiently prior to the hearing to obtain a level of public participation appropriate to the scope and impacts of the project. In no case will the public notice period be less than 21 days.
- g) The loan applicant shall provide interested local, State and federal agencies, State and regional clearinghouses, citizen groups and local public officials with written notice of the public hearing.
- h) The loan applicant will provide to the Agency an accurate summary of all public comments received together with any proposed amendments to the plan made in response to these comments.
- i) Upon receipt of this public hearing summary and the expiration of a 15 day comment period from the day of the hearing, the Agency shall provide in writing any one of the following:

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- 1) an unconditional approval of the plan (original or as amended); or
- 2) a conditional approval of the plan with special conditions for mitigation of negative environmental impacts; or
- 3) disapproval of the plan based on evidence of significant negative environmental impacts for which appropriate mitigative measures have not been identified; or
- 4) determination to prepare an Environmental Impact Statement (EIS) which the Agency may at its sole discretion prepare or have prepared by a qualified outside contractor. The Agency may reconsider approval or conditional approval of the project based on the recommendations of the EIS.
- j) The Agency may reconsider its approval of the Facilities Plan at any time based on circumstances including, but not limited to, changes in population, State or federal law, or technology, but must re-review the Facility Plan if the loan offer has not been made within 5 years after the approval of the Facilities Plan by the Agency.
- k) Agency facilities planning determinations made in accordance with subsection (i) above shall be subject to the provisions of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987, ch. 127, pars. 1001 et seq.).

(Source: Amended at Ill. Reg. _____, effective _____)

SUBPART F: REQUIREMENTS APPLICABLE TO SUBAGREEMENTS

Section 365.602 Construction Contracts of Loan Recipient

This procedure shall apply to construction contracts (subagreements) awarded by loan recipients for the construction phase only. It shall not apply to personal and professional service contracts.

- a) Contract documents must include bid, performance and payment bonds.
- b) Each contract shall be awarded after formal advertising, unless negotiation is permitted in accordance with Section 365.601(1) (Negotiation of Subagreements) above. Formal advertising shall be in accordance with the following:
- 1) Adequate bidding documents
- Bidding documents (invitations for bid) shall be made available by the loan recipient and shall be furnished upon request in a timely manner. A complete set of bidding documents shall be

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maintained by the loan recipient and shall be available for inspection and copying by any party. Such bidding documents shall include:

- A) A complete statement of the work to be performed, including necessary drawings and specifications, and the required completion schedule. (Drawings and specifications may be made available for inspection instead of being furnished.);
- B) The terms and conditions of the contract to be awarded;
- C) A clear explanation of the method of bidding, the method of evaluation of bid prices, and the basis and method for award of the contract;
- D) The statement that any contract awarded in response to the bids is expected to be funded in part by a loan from the Fund. Neither the State of Illinois nor any of its departments, agencies or employees is or will be a party to this bidding or any resulting contract;
- E) Responsibility requirements or criteria which will be employed in evaluating bidders, provided that an experience requirement or performance bond may not be utilized unless adequately justified under the particular circumstances by the recipient;
- F) A copy of subsections (G) and (H) below shall be in the proposal form to be used by bidders and will constitute a representation and certification to be considered as a part of their bid;
- G) By submission of the bid, each bidder certifies, and in the case of a joint bid each party thereto certifies as to his own organization, that in connection with the bid:
 - 1) The prices in the bid have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices with any other bidder or with any competitor;
 - 11) Unless otherwise required by law, the prices which have been quoted in the bid have not knowingly been disclosed by the bidder, prior to opening, directly or indirectly to any other bidder or to any competitor; and

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- 111) No attempt has been made or will be made by the bidder to induce any other person or firm to submit or not to submit a bid for the purpose of restricting competition; and

H) Each person signing the bid shall certify that:

- 1) He is the person in the bidder's organization responsible for the decision as to the prices being bid and that he has not participated, and will not participate, in any action contrary to subsection (G) above; or
 - 11) He is not the person in the bidder's organization responsible for the decision as to the prices being bid, but that he has been authorized to act as agent for the persons responsible for such decision in certifying that such persons have not participated, and will not participate, in any action contrary to subsection (G) above, and as their agent shall so certify. He shall also certify that he has not participated, and will not participate, in any action contrary to subsection (G) above.
- 2) Addenda to bidding documents
If the loan recipient desires to amend any part of the bidding documents (including drawings and specifications) during the period when bids are being prepared, the addenda shall be communicated in writing to all firms who have obtained bidding documents in time to be considered prior to the bid opening time. When appropriate, the period for submission of bids shall be extended. Any addenda issued to the bidding documents should be submitted to the Agency for approval prior to the bid opening.
 - 3) Award to the low, responsive, responsible bidder
 - A) After bids are opened, they shall be evaluated by the loan recipient in accordance with the methods and criteria set forth in the bidding documents.
 - B) The loan recipient may reserve the right to reject all bids if it has documented sound business reasons. Unless all bids are rejected, award shall be made to the low, responsive, responsible bidder after the bid evaluation has been submitted to the Agency and written notice of Agency approval has been received by the loan recipient, except in the case of a loan recipient that is self-certified in accordance with Section 365.604(e) of this Part. Agency

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approval of the bid evaluation is not required prior to the award of the construction contract when loan recipients are self-certified.

- C) If award is intended to be made to a firm which did not submit the lowest bid, a written statement shall be prepared prior to any award and retained by the loan recipient explaining why each lower bidder was deemed not responsive or not responsible.
- c) Negotiations of Contract Amendments (Change Orders)
 - 1) Loan Recipient responsibility
The loan recipient is responsible for negotiation of construction contract change orders. This function may be performed by the loan recipient directly or, if authorized, by its consulting engineer. During negotiations the loan recipient shall:
 - A) Make sure that the contractor has a clear understanding of the scope and extent of work and other essential requirements;
 - B) Assure that the contractor demonstrates that he will make available or will obtain the necessary personnel, equipment and materials to accomplish the work within the required time; and
 - C) A summary of all negotiations and the engineer's independent cost estimate shall be maintained with the records.
 - 2) Changes in contract price or time
The contract price or time may be changed only by a change order. When negotiations are required, they shall be conducted in accordance with subsection (c).
 - 3) For each change order the contractor shall submit to the loan recipient for review sufficient cost and pricing data to enable the loan recipient to ascertain the necessity and reasonableness of costs and amounts proposed, and the allowability and eligibility of costs proposed.
 - 4) Agency review
For any change order, the loan recipient shall submit to the Agency for its review and approval no later than 60 days after execution of the change order the following:

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- A) The cost and pricing data submitted by the contractor;
- B) A certification of review and acceptance of the contractor's cost or price;
- C) Two copies of the executed change order with justification including, but not limited to, the need for the proposed work and the technical solution; and
- D) The summary of negotiations and the engineer's independent cost estimate.
- d) Required Construction Contract Provisions
Each construction contract shall include the following provisions:
 - 1) Audit; access to records:
 - A) The contractor shall maintain books, records, documents and other evidence directly pertinent to performance on loan work under this agreement consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987). The contractor shall also maintain the financial information and data used by the contractor in the preparation or support of any cost submissions required under subsection (c) above. (Negotiation of Contract Amendments, Change Orders) and a copy of the cost summary submitted to the owner. The Auditor General, the owner, the Agency, or any of their duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The contractor will provide facilities for such access and inspection.
 - B) If this contract is a formally advertised, competitively awarded, fixed price contract, the contractor agrees to include access to records as specified in subsection (d)(1)(A) above. This requirement is applicable to all negotiated change orders and contract amendments in excess of \$25,000 which affect the contract price. In the case of all other prime contracts, the contractor also agrees to include access to records as specified above in all his contracts and all tier subcontracts or change orders thereto directly related to project performance which are in excess of \$25,000.

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- C) Audits conducted pursuant to this provision shall be consistent with generally accepted auditing standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987).
- D) The contractor agrees to the disclosure of all information and reports resulting from access to records pursuant to subsection (d)(1)(A) above. Where the audit concerns the contractor, the auditing agency will afford the contractor an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.
- E) Records under subsection (d)(1)(A) above shall be maintained and made available during performance of the work under this loan agreement and until three years from the date of final loan audit for the project. In addition, those records which relate to any dispute or litigation or the settlement of claims arising out of such performance, costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such dispute, appeal, litigation, claim or exception.
- F) The right of access conferred by this clause will generally be exercised (with respect to financial records) under:
- 1) negotiated prime contracts;
 - 11) negotiated change orders or contract amendments in excess of \$25,000 affecting the price of any formally advertised, competitively awarded, fixed price contract; and
 - 111) subcontracts or purchase orders under any contract other than a formally advertised, competitively awarded, fixed price contract.
- G) This right of access will generally not be exercised with respect to a prime contract, subcontract or purchase order awarded after effective price competition. In any event, such right of access shall be exercised under any type of contract or subcontract:
- 1) with respect to records pertaining directly to contract performance, excluding any financial records of the contractor; and

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- 11) If there is any indication that fraud, gross abuse or corrupt practices may be involved.
 - 2) Covenant against contingent fees.
The contractor shall warrant that no person or selling agency has been employed or retained to solicit or secure the contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee. For breach or violation of this warranty, the owner shall have the right to annul the contract without liability or in its discretion to deduct from the contract price or consideration, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.
 - 3) Wage provisions.
The contractor shall pay prevailing wages in accordance with the Federal Davis-Bacon wage provisions (40 U.S.C. 276a through 276a-52, and 29 AN-AGT-regulating-wages-of-laborers-mechanics-and-other-workers-employed-in-any-public-works-by-the-State-county-city-or-any-public-body-or-any-political-subdivision-or-by-any-other-contractor-for-public-works-4111-Rev-Stat-1987, ch-48, pars-395-1-et-seq.)
 - 4) MBE/WBE requirements.
Evidence that the contractor has taken affirmative steps, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with Federal Executive Orders 11625 and 12138 (reference Appendix A), to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction and services.
 - 5) ~~Debarred or suspended provisions.~~
A provision requiring the successful bidder(s) to submit a certification that the services of anyone that has been debarred or suspended under Federal Executive Order 12549 (reference Appendix A) will not be used for construction work.
- e) Subcontracts under Construction Contracts
- The award or execution of all subcontracts by a prime contractor and the procurement and negotiation procedures used by such prime contractor in awarding or executing such subcontracts shall comply with:
- 1) All provisions of federal, State and local law;
 - 2) All provisions of this Part with respect to fraud and other unlawful or corrupt practices; and

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- 3) All provisions of this Part with respect to access to facilities, records and audit of records.
- 4) The provision requiring a certification that the services of anyone that has been debarred or suspended under Federal Executive Order 12549 (reference Appendix A) will not be used for construction work.
- f) Contractor Bankruptcy
- In the event of a contractor bankruptcy, the loan recipient shall notify the Agency and shall keep the Agency advised of any negotiations with the bonding company including any proposed settlement. The Agency may participate in those negotiations and will advise the loan recipient of the impact of any proposed settlement to the loan agreement. The loan recipient shall be responsible for assuring that every appropriate procedure and incidental legal requirement is observed in advertising for bids and re-awarding a construction contract.

(Source: Amended at Ill. Reg. —, effective —)

Section 365.603 Contracts for Personal and Professional Services -- Consulting Engineering Agreements

- a) The provisions of subsections (a) through (c) apply to all subagreements of loan recipients for design or construction architectural or engineering services where the aggregate amount of services involved is expected to exceed \$25,000 and where loan funds are being utilized to pay for those services.
- b) Required Subagreement Provisions
- 1) Each subagreement must include:
- A) The scope and extent of the project work;
- B) A schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks;
- C) A method of compensation;

All subagreements of loan recipients for architectural or engineering services for design or construction that will be paid with loan funds where the aggregate amount of services involved is expected to exceed \$25,000, must include the following subagreement provisions:

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- a) Subagreements for architectural or engineering design services must include:

- 1) Evidence that the consulting engineer has taken affirmative steps, such as, but not limited to, a copy of the advertisement(s) and the record of negotiation in accordance with Federal Executive Orders 11625 and 12138 (reference Appendix A), to assure that small, minority and women's businesses are used when possible as sources of supplies, equipment, construction and services;
- 2) An "audit, access to records" clause as follows:
- 4A) The engineer agrees to include subsections (B) through (E) below in all his contracts and all subcontracts directly related to project performance which are in excess of \$25,000.
- 4B) The engineer shall maintain books, records, documents and other evidence directly pertinent to performance of Agency loan work under this agreement consistent with generally accepted accounting standards in accordance with the American Institute of Certified Public Accountants Professional Standards (666 Fifth Avenue, New York, New York 10019; June 1, 1987). The Agency or any of its duly authorized representatives shall have access to such books, records, documents and other evidence for the purpose of inspection, audit and copying. The engineer will provide facilities for such access and inspection.
- 4C) Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards.
- 4D) The engineer agrees to the disclosure of all information and reports resulting from access to records pursuant to subsection (B) above, to the Agency. Where the audit concerns the engineer, the auditing agency will afford the engineer an opportunity for an audit exit conference and an opportunity to comment on the pertinent portions of the draft audit report. The final audit report will include the written comments, if any, of the audited parties.
- 4E) Records under subsection (B) above shall be maintained and made available during performance on Agency loan work under this agreement and until three years from date of final Agency loan audit for the project. In addition, those records which relate to any "dispute" appeal under an Agency loan agreement, or litigation, or the settlement of claims arising out of such performance, costs or items to

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which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception:

- F3) A "covenant against contingent fees" clause as follows: The engineer warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bonafide employees. For breach or violation of this warranty, the loan recipient shall have the right to annul this agreement without liability or in its discretion to deduct from the contract price or consideration or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee; and
- G4) A certification that the services of anyone that has been debarred or suspended under Federal Executive Order 12549 (reference Appendix A) has not or will not be used for planning, design and construction.
- b) Subagreements for architectural or engineering construction services must include the following subagreement provisions in addition to those contained in subsection a) above:
- 1) The scope and extent of the project work;
 - 2) The schedule for performance and completion of the contract work including, where appropriate, dates for completion of significant project tasks; and
 - 3) A method of compensation.
- a) If any of the above elements cannot be defined adequately for later tasks at the time of contract execution, the subsequent tasks shall not be included in the contract at that time.
- (Source: Amended at ____ Ill. Reg. ____, effective ____)
- Section 365.604 Compliance with Procurement Requirements for Construction Contracts
- a) Loan Recipient Responsibility.
The loan recipient is responsible for selecting the low, responsive, and responsible bidder or other contractor in accordance with applicable requirements of State, federal, and local laws and ordinances, as well as the specific requirements of the loan agreement directly affecting the procurement and for the initial resolution of complaints based upon alleged violations. If complaint

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is made to the Agency concerning an alleged violation of any law in connection with this loan agreement in the procurement of construction services or materials for a project involving construction work, the complaint will be referred to the loan recipient for resolution. The loan recipient shall promptly determine each such complaint upon its merits permitting the complaining party as well as any other interested party who may be adversely affected to state in writing or at a conference the basis for his views concerning the proposed procurement. The loan recipient must promptly furnish to the complaining party and to other affected parties, by certified mail, a written summary of its determination, substantiated by an engineering or legal opinion, providing a justification for its determination.

- b) Time Limitations.
Complaints should be made pursuant to subsection (a) above as early as possible during the procurement process, preferably prior to the bid opening to avoid disruption of the procurement process. A complaint authorized by subsection (a) above must be mailed by certified mail (return receipt requested), or delivered, no later than five working days after the bid opening. If there is no agreement between the parties within seven days following the loan applicant's response, then resolution will occur in accordance with subsection (c) below unless all bids are rejected.
- c) Remedies.
All claims, counter-claims, disputes and other matters in question between the recipient and the contractor arising out of, or relating to this subagreement or the breach of it will be decided by arbitration if the parties mutually agree, or in a court of competent jurisdiction within the State.
- d) Deferral of Procurement Action.
Where the loan applicant has received a written complaint pursuant to subsection (a) above, it must defer issuance of its solicitation or award or notice to proceed under the contract (as appropriate) for seven days after mailing or delivery of any written adverse determination by the loan applicant. If a determination is made by either the loan recipient, the arbitrator or the court which is favorable to the complainant, the terms of the solicitation must be revised or the contract must be awarded (as appropriate) in accordance with such determination.
- e) Self-Certification of Procurement Systems.
- 1) A loan applicant may request that its procurement system be reviewed by the Agency to determine whether the system meets the requirements of Sections 365.601, 365.602, 365.603 and 365.604(a)(b)(c) and (d) of this Part.

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22 Upon written approval by the Agency that these rules are met, the loan applicant may self-certify its procurement system. The loan applicant will then be allowed to award contracts for personal and professional services and construction without formal Agency review of consulting engineering agreements and bidding documents. Self-certification shall not limit the Agency's right to review the loan applicant's procurement system. However, such review would occur only if waste, fraud or abuse was suspected.

32 Prior to loan offer from the Agency, the loan applicant must identify the low responsive, responsible bidder and the "as-bid" cost of the project. All costs incurred prior to a loan offer will be subject to the requirements of Section 365.405 of this Part.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

SUBPART H: REQUIREMENT APPLICABLE TO ACCESS, AUDITING AND RECORDS

Section 365.803 The Single Audit Act

The loan recipient must comply with the provisions of the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.).

(Source: Amended at ____ Ill. Reg. ____, effective ____)

SUBPART I: REQUIREMENTS FOR SEWER USE ORDINANCE, USER CHARGES, FINANCIAL CAPABILITY, DEDICATED SOURCE OF REVENUE AND FLOODPLAIN INSURANCE

Section 365.903 Financial Capability

a) The loan applicant shall demonstrate to the Agency that it possesses the necessary legal, financial, managerial and institutional capability to construct, operate and maintain the project for the life of the wastewater treatment works and to retire the loan in accordance with the schedule to be contained in the loan agreement, including the execution of any necessary intergovernmental agreements, enactment of a system of user charges and any legislative enactments necessary to recover adequate capital costs to repay the loan in accordance with the terms of the loan agreement. The loan applicant shall also demonstrate the ability to meet any covenants and requirements in the loan agreement.

b) To demonstrate financial, managerial and institutional capability, the applicant shall, at a minimum, show that it:

1) Is empowered under State law to own, operate and maintain a public sewage treatment facility;

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- 2) Has the necessary easements, titles, permits and intergovernmental agreements for implementation, as identified in the facilities plan; and
- 3) Has or will have the necessary qualified personnel to operate and maintain the facility.
- c) The financial capability demonstration shall be required and submitted to the Agency for review and approval and must contain detailed project costs, existing and proposed operation, maintenance and replacement costs, existing and proposed local capital costs and historical information over the past five years consisting of audited annual financial statements, bond ratings, number of users and tax rate levies.
- d) The Agency may suggest mitigative measures to improve the loan applicant's financial capability to undertake the project. The mitigative measures may include but shall not be limited to: acquisition of grant funding, reduction of project costs, additional or different sources of dedicated revenues, efforts to reduce delinquent users and changes to existing financial practices which may threaten generation of adequate revenues.
- e) The Agency may require a loan term of less than the 20 year maximum. In evaluating the appropriateness of alternative loan terms, considerations shall include, but not be limited to, the scope of the proposed project, the impacts of alternative loan terms on user fees, and the overall cost of the project.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

SUBPART K: PROCEDURES FOR LOAN REPAYMENT AND DELINQUENT REPAYMENT

Section 365.1101 Loan Repayment to the Agency

Loan repayment to the Agency will be in accordance with the loan repayment schedule contained in the loan agreement.

a) Loan repayments of principal and interest as determined by the Agency will commence not later than 90 days after initiation of operation and will be due semi-annually unless the Agency determines that the dedicated source of revenue justifies an alternative repayment plan.

b) A final principal amount will be determined by the Agency after a final audit, final inspection and project review have been made to ensure all applicable loan conditions have been satisfied.

c) A loan repayment schedule will be prepared by the Agency and will be furnished to the loan recipient at the time of establishment of the final principal amount.

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- b2 Subsequent to the scheduled initiation of operation date in the loan agreement, the Agency shall establish a principal amount and notify the loan recipient of an interim repayment schedule.
- c2 After the Agency conducts the final audit of the project, the Agency shall establish the final principal amount and notify the loan recipient of a final repayment schedule.
- d2 For purposes of calculating the repayment schedules, the repayment period shall begin as follows:
- 1) The interim repayment period begins on the scheduled initiation of operation date in the loan agreement; and
- 2) The final repayment period begins on the next scheduled repayment due date following the final audit.

(Source: Amended at ____ Ill. Reg. ____, effective ____)

DEPARTMENT OF LABOR

NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Health and Safety
- 2) Code Citation: 56 Ill. Adm. Code 350
- 3) Section Numbers: 350.280
Proposed Action: Amendment
- 4) Statutory Authority: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act herein named" (Ill. Rev. Stat. 1991, ch. 48, par. 59.02 et seq.) and the "Health and Safety Act" (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.)
- 5) A Complete Description of the Subjects and Issues Involved:
The Health and Safety Act requires the Department of Labor to adopt as rules all federal occupational safety and health standards promulgated by the U.S. Secretary of Labor. By this rulemaking, a new standard published in the Federal Register is adopted as a Department rule.
- 6) Will this proposed rule replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporation by reference? Yes.
This rule incorporates the standard located in the Federal Register Vol. 56, No. 235, December 6, 1991, as 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens.
- 9) Are there any other amendments pending on this Part? Yes
- | Section Numbers | Proposed Action | Illinois Register Citation |
|-----------------|-----------------|-----------------------------------|
| 350.10 | Amendment | 16 Ill. Reg. 1 (January 3, 1992) |
| 350.280 | Amendment | 16 Ill. Reg. 1 (January 3, 1992) |
| 350.290 | New Section | 16 Ill. Reg. 3260 (March 6, 1992) |
| 350.300 | New Section | 16 Ill. Reg. 3260 (March 6, 1992) |
| 350.310 | New Section | 16 Ill. Reg. 3260 (March 6, 1992) |
- 10) Statement of Statewide Policy Objectives:
The Health and Safety Act requires the Department to adopt updated Occupational Safety and Health Administration Standards as often as necessary to remain current with the federal regulations. Adoption of these standards ensure that public sector workers are provided with the same level of health and safety protection that is afforded to private sector workers within the state.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Written comments may be submitted to the following:

Ron Doughty
Safety Inspection and Education Division
Illinois Department of Labor

DEPARTMENT OF LABOR

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TITLE 56: LABOR AND EMPLOYMENT
CHAPTER 1: DEPARTMENT OF LABOR
SUBCHAPTER b: REGULATION OF WORKING CONDITIONS

Public hearings are scheduled as follows:

10:00 A.M., Wednesday, March 18, 1992
Illinois Department of Labor
#1 West Old State Capitol Plaza, Room 300
Springfield, IL

1:00 P.M., Thursday, March 19, 1992
Illinois Department of Labor
310 South Michigan Avenue, Floor 10
Chicago, IL

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: Not Applicable

B) Types of small businesses or municipalities affected:

Due to the effect of preemption of Department rules by the federal Occupational Safety and Health Administration, private sector businesses are not affected. Municipalities which have employees who are occupationally exposed to bloodborne pathogens will be affected.

C) Reporting, bookkeeping, or other procedures required for compliance:

The new standard requires a written compliance plan and recordkeeping. This standard does not require the use of any new standardized forms. The written plan documents the employer's program to minimize employee exposure to bloodborne pathogens. The employer must maintain employee medical records and training records.

D) Types of professional skills necessary for compliance:

General administrative skills are sufficient for compliance with the proposed amendments.

The full text of the Proposed Amendment begins on the next page:

Section	
350.10	Purpose and Scope
350.20	Definitions
350.30	Posting of Notice
350.40	Availability of Rules and Standards
350.50	Inspection Authority
350.60	Advance Notice of Inspection
350.70	Conduct of Inspections
350.80	Closing Conferences
350.90	Representatives of Employers and Employees
350.100	Objections During Inspection
350.110	Trade Secrets or Confidential Information
350.120	Consultation with Employees
350.130	Complaints by Employees
350.140	Imminent Danger
350.150	Citations
350.160	Posting of Citations
350.170	Appeal of Citation
350.180	Appeal of Abatement Period
350.190	Petition for Variance from Standards
350.195	Hearings
350.200	Advisory Inspections
	SUBPART B: RECORDS OF INJURIES AND ILLNESSES
350.210	Emergency Notification
350.220	Recordable Injuries and Illnesses
350.230	Log of Injuries and Illnesses
350.240	Supplementary Record of Injuries and Illnesses
350.250	Annual Summary
350.260	Retention of Records
350.270	Access to Records
	SUBPART C: FEDERAL STANDARDS
350.280	Adoption of Federal Standards

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AUTHORITY: Implementing and authorized by "AN ACT in relation to safety inspections and education in industrial and commercial establishments and to repeal an Act therein named" (Ill. Rev. Stat. 1991, ch. 48, par. 59.02 et seq.) and the "Health and Safety Act" (Ill. Rev. Stat. 1991, ch. 48, par. 137.1 et seq.).

SOURCE: Emergency rules adopted at 9 Ill. Reg. 17004, effective October 17, 1985, for a maximum of 150 days; adopted at 10 Ill. Reg. 8765, effective May 14, 1986; amended at 11 Ill. Reg. 2798, effective January 28, 1987; amended at 12 Ill. Reg. 17086, effective October 11, 1988; amended at 16 Ill. Reg. _____, effective _____.

SUBPART C: FEDERAL STANDARDS

Section 350.280 Adoption of Federal Standards

C. The Department hereby adopts as a rule of the Department, through incorporation by reference, 29 CFR Part 1910.1030, Occupational Exposure to Bloodborne Pathogens, published in the Federal Register Vol. 56, No. 235, December 6, 1991. The effective dates of this rule for Illinois public sector employers shall be 60 days after the effective dates stated in paragraph (i) of the referenced federal rule.

(Source: Amended at 16 Ill. Reg. _____, effective _____.)

DEPARTMENT OF PROFESSIONAL REGULATION

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: The Nursing Home Administrators Licensing and Disciplinary Act

2) Code Citation: 68 Ill. Adm. Code 1310

3) Section Numbers:

1310.20	Amendment
1310.30	Amendment
1310.40	Amendment
1340.60	Amendment
1340.70	Amendment
1310.75	Amendment
1310.80	Amendment
1310.85	Amendment
1310.90	Amendment

Proposed Action:

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111, pars. 3655-3657, 3659, 3661-3663, 3677, 3682 and Public Act 87-756, Section 1, effective October 3, 1991.

5) A Complete Description of the Subjects and Issues Involved: Section 1310.20 is amended to implement P. A. 87-756, which allows an applicant for a temporary license as a nursing home administrator to act as a nursing home administrator for up to 60 days prior to the issuance of a license.

Section 1310.60 amendments concern applicants who fail either portion of the examination for nursing home administrator. The applicant shall have 3 years from the date of application to pass both portions of the examination. Within that period, the applicant shall be required to retake only that portion of the examination on which a score of at least 75 was not achieved. If both portions of the examination have not been passed within 3 years after filing the application, the applicant may make a new application, but must pay the required fee and meet requirements for licensure at the time of application.

Subsections 1310.30(b) and 1310.60(g) were added to require applicants who have taken the National Association of Boards of Examiners for Nursing Home Administrators examination in another jurisdiction to have the examination scores submitted to the Department of Professional Regulation by the reporting entity.

In addition, various typographical, grammatical and form changes were made.

6) Will these proposed amendments replace emergency amendments currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do these proposed amendments contain incorporations by reference? No

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): This rulemaking does not affect local government units.
- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Interested Persons may submit written comments and views to:

Department of Professional Regulation
Attention: Jean A. Courtney
320 West Washington, 3rd Floor
Springfield, IL 62786
217/785-0800

All comments received within 30 days of this issue of the Illinois Register will be considered. The comments of interested persons who submit a request to comment within 14 days of this issue will be considered if received within 30 days of such request.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 24, 1992.
- B) Types of small businesses affected: Nursing Homes.
- C) Reporting, bookkeeping or other procedures required for compliance: If an applicant fails to pass the examination within 3 years after submitting an application, a new application will need to be filed by the person pursuing licensure.
- D) Types of professional skills necessary for compliance:
Nursing home management education and experience are necessary for licensure.

The full text of the Proposed Amendments begins on the next page.

DEPARTMENT OF PROFESSIONAL REGULATION
NOTICE OF PROPOSED AMENDMENTS

TITLE 68: PROFESSIONS AND OCCUPATIONS
CHAPTER VII: DEPARTMENT OF PROFESSIONAL REGULATION
SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

PART 1310
~~THE~~ NURSING HOME ADMINISTRATORS
LICENSING AND DISCIPLINARY ACT

Section	
1310.20	Temporary License
1310.30	Application for Examination
1310.40	Approved Nursing Home Administration Courses
1310.50	Qualifying Experience
1310.60	Examination
1310.70	Endorsement
1310.75	Renewals
1310.80	Restoration
1310.85	Continuing Education
1310.90	Granting Variances

AUTHORITY: Implementing the Nursing Home Administrators Licensing and Disciplinary Act (Ill. Rev. Stat. 1987 1991, ch. 111, par. 3651 et seq.) and authorized by Section 60(7) of The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1987 1991, ch. 127, par. 60(7)).

SOURCE: Adopted at 5 Ill. Reg. 1500; effective February 1, 1981; codified at 5 Ill. Reg. 11045; amended at 5 Ill. Reg. 14171, effective December 3, 1981; emergency amendment at 6 Ill. Reg. 916, effective January 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 7448, effective June 15, 1982; amended at 9 Ill. Reg. 5364, effective April 8, 1985; amended at 10 Ill. Reg. 16715, effective September 22, 1986; transferred from Chapter I, 68 Ill. Adm. Code 310 (Department of Registration and Education) to Chapter VII, 68 Ill. Adm. Code 1310 (Department of Professional Regulation) pursuant to P.A. 85-225, effective January 1, 1988, at 12 Ill. Reg. 2955; amended at 13 Ill. Reg. 15653, effective September 25, 1989; amended at 16 Ill. Reg. _____, effective _____.

Section 1310.20 Temporary License

- a) An applicant for a temporary license shall file an application on forms supplied by the Department, together with:
- 1) A statement of sound physical and mental health, dated within one year preceding application, signed by a currently licensed physician (nothing in this subsection shall require a physical or mental examination for any applicant who is a member of a recognized church or

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religious denomination which teaches reliance on spiritual means alone for healing) (The Nursing Home Administrators Licensing and Disciplinary Act (the "Act") (Ill. Rev. Stat. 1987 1991 ch. 111, par. 3653);

- 2) Certification of graduation from high school or proof of a general education diploma (GED);
- 3) Certified education/experience records of any one of the following:
 - A) Graduation from an accredited college or university with the minimum of a Baccalaureate Degree;
 - B) Completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40;
 - C) Graduation from a three year diploma nurse program and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50; or
 - D) An associate degree or a minimum of 60 semester hours or 90 quarter hours of credit earned from an accredited college or university and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50;
- 4) Certification for those ~~An applicant~~ applying pursuant to Section 3(3) of the Act, ~~shall submit a certification~~ that the applicant is certified by a recognized church or religious denomination which teaches reliance on spiritual healing, as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teaching. Such applicant will be issued a Limited Temporary Nursing Home Administrator License which will allow the individual to be an administrator in an institution of the certifying church or denomination;
- 5) An employer's statement of the acceptance or appointment of the applicant as a full-time nursing home administrator in a facility licensed to provide nursing care by the Illinois Department of Public Health, which includes the beginning date of the applicant's employment. For purposes of this Section, "full-time" shall mean working at least as many hours as the Illinois Department of Public Health requires of nursing home administrators in that particular facility; ~~and~~
- 6) A complete work history since completion of education set forth in subsection (2) above until present; ~~and~~

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- 7) The required fee set forth in Section 14 of the Nursing Home Administrators Licensing and Disciplinary Act.
- b) *An applicant for a temporary license as a nursing home administrator may act as a nursing home administrator for a period of up to 60 days prior to the issuance of a license if the applicant has submitted the required fee and an application for a license to the Department. This 60-day period may be extended until the next Board meeting if action by the Board is required. The applicant shall keep a copy of the submitted application on the premises where the applicant is engaged in the practice as a nursing home administrator. The authority to practice shall terminate immediately upon the denial of licensure by the Department or the withdrawal of the application. (Public Act 87-756)*
- b) c) The holder of a temporary license shall only be authorized to serve as administrator of the facility indicated on the application. A temporary license as an administrator becomes void and shall be surrendered upon the termination, or interruption, of the holder's service as an administrator to the facility for which the temporary license was granted or one year from the date of issuance, whichever comes first. No permanent license will be issued until the temporary license has been returned to the Department. An individual shall be issued only one temporary license within a three year period.
- e) d) An applicant may request in writing an extension of his a temporary license and pay a \$20 processing fee which covers the cost of printing a new temporary license. Upon the recommendation of the Board and approval by the Department, a temporary license shall be extended for an additional twelve (12) months, or any portion thereof, for the following reasons:
 - 1) Interruption of work during the initial twelve (12) month period of temporary licensure for service in the military;
 - 2) Interruption of the initial twelve (12) month period for incapacitating illness and/or hospitalization verified by a physician; or
 - 3) Interruption of the initial twelve (12) month period because of an unanticipated change of residence necessitating surrender of the temporary certificate.
- d) e) A temporary license shall be extended upon request from the license holder pending the successful completion of the next available nursing home administrator examination and the permanent license being issued. No license will be issued until the temporary license has been returned to the Department. In the event the individual fails to take the next available

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examination or fails to successfully complete the next available examination for licensure set forth in Section 1310.60 of this Part, the temporary license shall be void and the individual shall be practicing as a nursing home administrator without a license and subject to discipline in accordance with Section 17 of the Act.

- e) 1 Upon approval of the temporary license, the applicant ~~will~~ shall be eligible to sit for the examination set forth in Section 1310.60.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.30 Application for Examination

- a) An applicant for a license as a nursing home administrator shall file an application on forms supplied by the Department, at least 60 days prior to an examination date, together with:

- a) 1 Certification of graduation from high school or a GED;
b) 2 Certified records of education and experience of any one of the following:

- 1) A) Graduation from an accredited college or university with the minimum of a Baccalaureate Degree;
2) B) Satisfactory completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40;
3) C) Graduation from a three year diploma nurse program and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50; or
4) D) An associate degree or a minimum of 60 semester or 90 quarter hours of credit earned from an accredited college or university ~~with the minimum of an Associate Degree~~ and an Employer's Affidavit certifying to the applicant's qualifying experience as described in Section 1310.50;

- e) 3 ~~Certification, for those An applicant applying pursuant to Section 3(3) of the Act, shall submit certification that the applicant is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing, as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teaching. Such applicant upon successful completion of the examination set forth in Section 1310.60(e) of this Part, will be issued a Limited Nursing Home Administrator License which will allow the individual to be an administrator in an institution of the certifying church or denomination;~~

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- d) 4 A statement of sound physical and mental health, dated within one year preceding application, signed by a currently licensed physician, (nothing in this subsection shall require a physical or mental examination for any applicant who is a member of a *recognized church or religious denomination which teaches reliance on spiritual means alone for healing*) (Section 3(3) of the Act);

- e) 5 A complete work history since completion of education set forth in subsection (a) above; and

- f) 6 The required fee set forth in Section 14 of the Act.

- b) An applicant for a license by examination who has taken the National Association of Board of Examiners for Nursing Home Administrators examination in another jurisdiction shall have the examination scores submitted to the Department by the reporting entity. The passing score shall be 75 in accordance with Section 1310.60 of this Part.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.40 Approved Nursing Home Administration Courses

The Department, upon the recommendation of the Nursing Home Administrators Licensing and Disciplinary Board (the "Board"), shall approve courses of instruction in nursing home administration offered by an accredited college or university which include instruction in the following areas:

- a) Nursing Home Administration; including planning, organization, operations and services, resource development, supervision of staff, and control and evaluation of facility performance. Government Relations; including State and federal laws (i.e., Social Security Act (42 U.S.C. 301 et seq.) and Nursing Home Care Act (Ill. Rev. Stat. 1988-Supp. 1991, ch. 111 1/2, par. 4151-101 et seq.) and rules and regulations for both programs and physical plants which relate to the nursing home profession.
- b) Personnel Management; including managing people for the specific needs of the long-term care facility, recruitment and selection, orientation, training and development of employees, development of employee appraisal programs, communications, wage and salary administration, union procedures, and employee-management relations, discipline and morale.
- c) Accounting and Financial Management; including basic accounting, adjustment of accounts, preparation of financial statements, financial management planning, effective use of resources, financial performance evaluation, cost analysis, and budgeting.

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- d) Social Gerontology and/or Geriatrics; including biology of aging, psychology of aging, changing social roles of aging, personal adjustment to aging, programs for health improvement and rehabilitation, financial aspects of aging, retirement, independence and dependency of aging persons, societal disengagement, impact of living arrangements, and interaction between the institution and the needs of patients.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.60 Examination

- a) The first portion of the examination for licensure as a nursing home administrator shall be the national examination of the National Association of Boards of Examiners for Nursing Home Administrators.
- b) The second portion of the examination shall be the Illinois Supplemental examination which will cover the Nursing Home Care Act and the rules promulgated by the Illinois Department of Public Health for the administration of this Act (i.e., 77 Ill. Adm. Code 300, 350; and 390) and the Nursing Home Administrators Licensing and Disciplinary Act and the rules set forth in this Part for the administration of the Act.

- c) The passing ~~grade~~ score on each portion of the examination shall be 75.

- d) An applicant who fails either portion of the examination ~~will~~ shall be required, ~~on his second and third examinations, to retake only that portion in which he did not achieve a grade of at least 75; a score of at least 75 was not achieved. For the fourth and each subsequent examination, the applicant will be required to take both portions. The applicant shall have 3 years from the date of application to pass both portions of the examination.~~

- e) If an applicant fails to pass either portion of the examination for licensure within three years after filing the application, the application shall be denied. However, each applicant may make a new application for examination, accompanied by the required fee and ~~meet~~ the education and experience requirements for licensure at the time of application. Such applicant will be required to take both portions of the examination on the first examination attempt. If an applicant fails either portion, he/she shall be required to retake the examination in accordance with subsection (d) above.

- f) For those individuals who are applying as members of a Recognized church or religious denomination, which teaches reliance on spiritual means alone for healing (Section 3(3) of the Act), an examination will be administered which will not require the individual to demonstrate proficiency in any medical techniques.

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- g) An applicant for a license by examination, who has taken the National Association of Boards of Examiners for Nursing Home Administrators examination in another jurisdiction, shall have the examination scores submitted to the Department by the reporting entity. The passing score shall be 75 as set forth in subsection (c) above.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.70 Endorsement

- a) An applicant for a license as a nursing home administrator who is licensed under the laws of another jurisdiction of the United States shall file an application with the Department, together with:

- 1) Certification of graduation from high school or a GED;
- 2) Verification, on forms provided by the Department, of education and/or qualifying experience of any one of the following:
 - A) Graduation from an accredited college or university with the minimum of a Baccalaureate Degree;
 - B) Completion of an approved course of instruction in nursing home administration as outlined in Section 1310.40;
 - C) Graduation from a three year diploma nurse program and an Employer's Affidavit certifying to two years of qualifying experience as described in Section 1310.50;
 - D) An associate degree or a minimum of 60 semester or 90 quarter hours of credit earned from an accredited college or university and an Employer's Affidavit certifying to the applicant's qualifying experience as described in Section 1310.50; or
 - E) Certification of completion of the Professional Certification Program for Nursing Home Administrators developed by the Foundation of the American College of Health Care Administrators; or

- 3) Certification, for those ~~An applicant~~ applying pursuant to Section 3(3) of the Act, ~~shall submit certification~~ that the applicant is certified by a recognized church or religious denomination which teaches reliance on spiritual means alone for healing, as having been approved to administer institutions certified by such church or denomination for the care and treatment of the sick in accordance with its teaching. Such applicant will be issued a Limited Nursing Home Administrator License which will allow the individual to be an administrator in an institution of the certifying church or denomination;

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- 4) A certification from the U.S. jurisdiction of ~~the United States~~ of original licensure, stating:

- A) The time during which the applicant was licensed in that state;
- B) Whether the file on the applicant contains any record of any disciplinary actions taken or pending pursuant to Section 17 of the Act; and
- C) Examination(s) taken and examination scores received;

- 5) ~~A copy of the Act and Rules in effect in the jurisdiction at the time of original licensure;~~

- 6) ~~A statement of sound physical and mental health, dated within one year preceding application, signed by a currently licensed physician (nothing in this subsection shall require a physical or mental examination for any applicant who is a member of a recognized church or religious denomination which teaches reliance on spiritual means alone for healing) (Section 3(3) of the Act);~~

- 7) ~~A work history since completion of education as set forth in subsection (a)(1) above;~~

- 8) ~~Successful completion of the Illinois Supplemental examination in accordance with Section 1310.60(c) of this Part; and~~

- 9) ~~The required fee as set forth in Section 14 of the Act.~~

- b) ~~The Department Nursing Home Administrators Licensing and Disciplinary Board shall examine each endorsement application to determine whether the requirements in such the other jurisdiction at the date of licensure were substantially equivalent to the requirements then in force in this State, or if the applicant's qualifications were, at the date of licensure in the other jurisdiction, substantially equivalent to the requirements then in force in this State, and whether the applicant has otherwise complied with the Act. The Department shall, within a reasonable time, either issue a license by endorsement to the applicant or notify him of the reasons for the denial of his application.~~

- c) ~~When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is questioned by the Department because of a lack of information, discrepancies or conflicts in information given, or a need for clarification, the applicant seeking licensure by endorsement shall be requested to:~~

- 1) ~~Provide such information as may be necessary and/or~~

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- 2) ~~Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information.~~

- d) ~~The Department shall either approve an applicant to sit for the Illinois Supplemental examination or notify the applicant in writing of the reasons for the denial of the application.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.75 Renewals

- a) ~~Every license issued under the Act shall expire on November 30 of each odd numbered year. The holder of a license may renew such the license during the month preceding the expiration date thereof by paying the required fee and certifying to fulfilling the continuing education requirements set forth in Section 1310.85 of this Part.~~

- b) ~~It is the responsibility of each licensee to notify the Department of any change of address. Failure to receive a renewal form from the Department shall not constitute an excuse for failure to pay the renewal fee or to renew one's license.~~

- c) ~~Practicing or offering to practice on a license which has expired shall be considered unlicensed activity and shall be grounds for discipline pursuant to Section 17 of the Act.~~

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.80 Restoration

- a) ~~A person seeking restoration of his a license which has expired for less than five (5) years shall have his the license restored upon payment of \$10 plus all lapsed renewal fees required by Section 14 of the Act and proof of the successful completion of 36 hours of continuing education or three (3) semester hours of completed college level course work ~~during the pre-renewal period~~ in accordance with Section 1310.85 during the two years prior to restoration.~~

- b) ~~A person seeking restoration of a his license which has been placed on inactive status for less than five (5) years shall have the his license restored upon payment of the current renewal fee and proof of the successful completion of 36 hours of continuing education or three (3) semester hours of completed college level course work ~~during the pre-renewal period~~ in accordance with Section 1310.85 during the two years prior to restoration.~~

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c) A person applying for restoration of a his license as a nursing home administrator which has been expired or on inactive status for more than five (5) years shall file an application with the Department, together with proof of 36 hours of continuing education or three (3) semester hours of completed college level course work ~~during the pre-renewal period~~ in accordance with Section 1310.85 during the two years prior to restoration and the fee required by Section 14 of the Act. The applicant shall also submit either:

- 1) Certification of licensure as a nursing home administrator active practice in another jurisdiction and active practice for 3 of the last 5 years prior to application. Such certification shall include a statement from the appropriate board or licensing authority in another jurisdiction that the registrant licensee was licensed and in good standing ~~authorized to practice during the term of said active practice;~~ or
- 2) An affidavit attesting to military service as provided in Section 11 of the Act; or
- 3) Pass both portions of the examinations provided for in Section 1310.60. Persons who must take both portions of the examination are ~~exempt from the 36 hour CE requirement.~~
- d) When the accuracy of any submitted documentation, or the relevance or sufficiency of the course work or experience is reasonably questioned by the Department because of a lack of information, discrepancies or conflicts in information given, information needing further or a need for clarification, ~~and/or missing information;~~ the registrant licensee seeking restoration ~~will~~ shall be requested to:

- 1) Provide such information as may be necessary; and/or
- 2) ~~Explain such relevance or sufficiency during an oral interview;~~
- a) 2) Appear for an interview before the Board to explain such relevance or sufficiency, clarify information, or clear up any discrepancies or conflicts in information. ~~When the information available to the Board is insufficient to evaluate the individual's current competency, to practice under the Act.~~ Upon recommendation of the Board and approval by the Department, an applicant shall have the his license restored.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.85 Continuing Education

- a) Continuing Education Hour Requirements

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1) Every renewal applicant shall complete 36 hours of Continuing Education (CE) relevant to the practice of nursing home administration required during each pre-renewal period. The Department shall conduct random audits to verify compliance with this Section. The pre-renewal period is the 24 months preceding the expiration date of the license.

2) A renewal applicant is not required to comply with CE requirements for the first renewal following the original issuance of the license.

3) Nursing home administrators licensed in Illinois but residing and practicing in another ether state must comply with the CE requirements set forth in this Section.

b) Activities for which CE credit may be earned are as follows:

1) Verified attendance or participation in any continuing education course approved by the National Continuing Education Review Service of the National Association of Boards of Examiners of Nursing Home Administrators.

2) Verified attendance at or participation in a program given by a sponsor as set forth in subsection (c)-(1) of this Section.

3) A maximum of 12 hours per pre-renewal period for:

- A) papers prepared or delivered before recognized nursing home administration and nursing home organizations;
- B) papers published in nationally recognized nursing home administration journals;
- C) a chapter in a book of nursing home administration; ~~and~~
- D) self-study courses taken through an accredited college or university or an approved sponsor; ~~and~~
- E) teleconferencing with a live moderator through an accredited college or university or an approved sponsor.

4) A licensee who serves as an instructor, speaker or discussion leader of an approved course will be allowed CE course credit for actual presentation time, plus actual preparation time of up to 2 hours for each hour of presentation. Preparation time shall not be allowed for repetitive presentations of the same course, and will only be allowed for additional study or research. In no case shall credit for actual time of presentation and preparation be given for more than 9 hours during any renewal period.

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- 5) The continuing education hours used to satisfy the CE requirements for renewal of a nursing home administrator license held in another jurisdiction shall be applied to fulfillment of the CE requirements for renewal of an their Illinois nursing home administrator license.
 - 6) Three (3) semester hours of completed course work relevant to nursing home administration completed at an accredited college or university. One semester of course work is equivalent to 15 hours of CE and one quarter of course work is equivalent to 10 hours of CE.
 - 7) A CE hour equals 60 minutes. ~~Credit will not be given for half-hour increments.~~ After completion of the initial CE hour, credit may be given in one-half hour increments.
 - 8) No credit will be given for activities including, but not limited to, attendance at meetings or reading of journals.
- c) CE Sponsors and Programs
- 1) Sponsor, as used in this Section, shall mean:
 - A) The Illinois Association of Homes for the Aging;
 - B) Council on Long Term Care;
 - C) County Nursing Home Association of Illinois;
 - D) Illinois Health Care Association;
 - E) ~~T~~he Illinois Nursing Home Administrators Association; or
 - F) ~~or~~ Any other school, college or university, State agency, or any other person, firm, or association which has been approved and authorized by the Department to coordinate and present continuing education courses and programs in conjunction with this Section.
 - 2) A sponsor shall file a sponsor application, along with the required fee set forth in Section 14 of the Act, which certifies:
 - A) that all courses and programs offered by the sponsor for CE credit will comply with the criteria in subsection (c)(5) below and all other criteria in this Section;
 - B) that the sponsor will be responsible for verifying attendance at each course or program and provide a certificate of completion as set forth in subsection (c)(7); and
 - C) that upon request by the Department, the sponsor will submit

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such evidence as is necessary to establish compliance with this Section. Such evidence shall be required when the Department has reason to believe that there is not full compliance with the Act and this Part and that this information is necessary to ensure compliance.

- 3) Each sponsor shall submit by November 30 of each year a sponsor application along with the required fee set forth in Section 14 of the Act. With the application the sponsor shall be required to submit to the Department a list of all courses and programs offered in the past year, which includes a description, location, date and time the course was offered.
- 4) State agencies, colleges and universities shall submit a sponsor application in accordance with subsections (2) and (3) above; however, they shall be exempt from payment of the fee in accordance with Section 14 of the Act.
- 5) All courses and programs shall:
 - A) Contain materials which contribute to the advancement, extension and enhancement of professional skills and knowledge in the practice of nursing home administration;
 - B) Specify the course objectives, course content and teaching methods to be used;
 - C) Be developed and presented by persons with education and/or experience in the subject matter of the program;
 - D) Specify the number of CE hours that may be applied to fulfilling the Illinois CE requirements for license renewal; and
 - E) Include some mechanism whereby participants evaluate the overall quality of the program.
- 6) All programs given by sponsors shall ~~shall~~ be open to all licensed nursing home administrators and not be limited to the members of a single organization or group.
- 7) Certificate of Attendance or Participation. It shall be the responsibility of the sponsor to provide each participant in an approved program or course with a certificate of attendance or participation which shall contain the following information:
 - A) The name and address of the sponsor;
 - B) The name, address and license number of the participant;
 - C) A brief statement of the subject matter;
 - D) The number of clock hours actually attended in each program;

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- E) The date and place of the program; and
 - F) The signature of the sponsor.
- 8) The sponsor shall maintain course materials and attendance records containing all information in subsection (c)(6) above for not less than 5 years, except for the signature of the sponsor.
- 9) The sponsor shall be responsible for assuring that no renewal applicant shall receive CE credit for time not actually spent attending the program.
- 10) If a sponsor should fail to comply with any of the foregoing requirements, the Department, after notice to the sponsor and hearing before and recommendation by the Board, shall thereafter refuse to accept for CE credit attendance at or participation in any of such sponsor's CE activities until such time as the Department receives assurances of compliance with this Section.
- 11) Notwithstanding any other provision of this Section, the Department or Board may evaluate any sponsor of any continuing education program at any time.
- 12) The Department shall maintain a list of all approved continuing education sponsors.
- d) Continuing Education Earned in Other Jurisdictions. If a renewal applicant will be earning or has earned CE hours in another jurisdiction, but is not licensed in that jurisdiction and the course is not presented by an approved sponsor, the applicant shall submit an individual program approval request form, along with a \$20 processing fee, to have the program reviewed. The Board shall review and recommend approval or disapproval of the programs using the criteria set forth in subsection (c)(5) of this Section. Applicants may seek individual program approval prior to participation in the course or program. All individual program approval requests shall be submitted prior to the expiration date of the license.
- e) Certification of Compliance with CE Requirements
- 1) Each renewal applicant shall certify, on the ~~his~~ renewal application, to full compliance with the CE requirements set forth in subsection (a) above.
 - 2) The Department may require additional documentation evidence in order to demonstrate compliance with the CE requirements. It is the responsibility of each renewal applicant to retain or otherwise produce evidence of such compliance. Such additional documentation evidence will be required in the context of the Department's random audit.

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- 3) When there appears to be a lack of compliance with CE requirements, an applicant will be notified and may request an interview with the Board, at which time the Board may recommend that steps be taken to begin formal disciplinary proceedings as required by Section 16 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1987 1991, ch. 127, par. 1016).
- f) Restoration of Nonrenewed License. Upon evidence of compliance with CE requirements, the Department shall restore the license upon payment of the required fee.
- g) Waiver of CE Requirements
 - 1) Any renewal applicant seeking renewal of a ~~his~~ license without having fully complied with these CE requirements shall file with the Department a renewal application, the required renewal fee, a statement setting forth the facts concerning such non-compliance, and a request for waiver of the CE requirements on the basis of such facts. If the Department, upon the written recommendation of the Board, finds from ~~such~~ the applicant's affidavit or any other evidence submitted, that extreme hardship has been shown to substantiate the ~~for~~ granting of a waiver, the Department shall waive enforcement of such requirements for the renewal period for which the applicant has applied.
 - 2) If an interview with the Board is requested at the time the request for such waiver is filed with the Department, the renewal applicant shall be given at least 20 days written notice of the date, time and place of such interview by certified mail, return receipt requested.
 - 3) Extreme hardship shall be determined on an individual basis by the Board and be defined as an inability to devote sufficient hours to fulfilling the CE requirements during the applicable prerenewal period because of:
 - A) Full-time service in the armed forces of the United States of America during a substantial part of ~~such~~ the prerenewal period;
 - B) ~~A~~en incapacitating illness, documented by a currently licensed physician; ~~or~~
 - C) A physical inability to travel to the sites of approved programs documented by a currently licensed physician; or
 - D) Any other similar extenuating circumstances (i.e., family illness and prolonged hospitalization).

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- 4) Any renewal applicant who, prior to the expiration date of his/her license, submits a request for a waiver, pursuant to the provisions of this Section shall be deemed to be in good standing until the final Department's final decision ~~of~~ on the application has been made.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 1310.90 Granting Variances

- a) The Director may grant variances from these rules in individual cases where he/she finds that:

- 1) the provision from which the variance is granted is not statutorily mandated;
- 2) no party will be injured by the granting of the variance; and
- 3) the rule from which the variance is granted would, in the particular case, be unreasonable or unnecessarily burdensome.

- b) The Director shall notify the Nursing Home Administrators Licensing Board of the granting of such variance, and the reasons therefor, at the next meeting of the Board.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) The Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000

3) Section Numbers:

3000.100	<u>Proposed Action:</u>
3000.200	Amendment
3000.210	Amendment
3000.220	Amendment
3000.230	Amendment
3000.245	Amendment
3000.270	Amendment
3000.420	Amendment
3000.425	Amendment
3000.610	Amendment
3000.620	Amendment
3000.625	Amendment
3000.645	Amendment
3000.910	Amendment
3000.1010	Amendment
3000.1070	Amendment

- 4) Statutory Authority: Riverboat Gambling Act, Ill. Rev. Stat. ch. 120, para. 2401 ~~et. seq.~~, P.A. 86-1029, effective February 7, 1990, amended by P.A. 87-826, effective December 16, 1991.

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking provides for amendments to certain Gaming Board Rules. These amendments are in response to public comment submitted when the Board's now Permanent Rules were going through the approval process. While the public comments were intended to be incorporated into the Board's Permanent Rules, and those changes were listed in the Board's Notice of Adopted Rules, those changes were left out of the text actually published in the December 20, 1991 Illinois Register. This rulemaking, therefore, amends specific sections of Board Rules to include those changes.

The rules affected are as follows:

In Section 3000.100 change definition of "Alcoholic Liquors" to correspond to the definition in the Illinois Liquor Control Act.

In Section 3000.100 add the definition of "EPROM".

In Section 3000.100 in the definition of "Gaming Equipment/Supplies," change "effect" to "affect".

In Section 3000.100 add the definition of "Signature".

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In Section of 3000.200(b)(1) add language to require that employees of a Gaming Operations Manager be licensed.

In Section 3000.200(b)(2) add language to require that manufacturers of certain gaming equipment must be licensed.

In Section 3000.200(c)(1)(f) change "Slot Department Manager" to "Electronic Gaming Device Manager".

In Section 3000.210(d) change "Secretary of State" to "Board".

In Section 3000.220(e) change language to allow for withdrawal of certain applications.

In Section 3000.230 change wording to clarify nature of Board action.

In Section 3000.245(b)(4) and (h)(2)(I) add language detailing the return of work badges.

In Section 3000.270(d) change "possess" to "operate".

In Section 3000.420 correct spelling of "judgement" to "judgment".

In Section 3000.425 correct typographical error from citing Section "3000.820" to "3000.720".

In Section 3000.610 add language.

In Section 3000.620 add language to allow for submission of a sample chip.

Omit section 3000.625(a)(4)(b).

In Section 3000.645(a) add language to require notification of the Board agent when Chips or Tokens are delivered.

In Section 3000.910 add language to clarify liquor licensing requirement.

In Section 3000.1010(d)(10) omit unnecessary language.

In Section 3000.1070(c)(3) add language changing tip distribution method from a weekly basis to period that coincides with a normal pay period.

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6) Will this proposed rule replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this rulemaking contain incorporations by reference? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives: The rulemaking neither creates nor expands any State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing no later than 45 days after publication of this notice to:

Donna B. More
Chief Legal Counsel
Illinois Gaming Board
9511 W. Harrison
Des Plaines, Illinois 60016
(708) 294-4100

12) Initial Regulatory Flexibility Analysis:

A) Date Rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: 01-03-91

B) Types of small businesses affected: Any small business which operates or supplies a riverboat gaming operation.

C) Reporting, bookkeeping or other procedures required for compliance: General bookkeeping and application filing requirements applicable to applicants for licenses under the Act.

D) Types of professional skills necessary for compliance: Bookkeeping and accounting.

The full text of the Proposed Amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARD

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	Objectives of Internal Control System
3000.300	Administrator Approval
3000.310	Requirements
3000.320	Review of Procedures
3000.330	Operating Procedures
3000.340	Modifications
3000.350	

PART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	Definitions
3000.100	Disciplinary Actions
3000.110	Records Retention
3000.115	Place to Submit Materials
3000.120	No Opinion or Approval of the Board
3000.130	Applicant's Duty to Disclose Changes in Information
3000.140	Owner's and Supplier's Duty to Investigate Job Applicants
3000.150	Investigatory Proceedings
3000.155	Owner's and Supplier's Duty to Report Misconduct
3000.160	Communication with Other Agencies
3000.161	Participation in Games by Owners, Directors, Officers, Directors, Key Persons or Gaming Employees
3000.165	Fair Market Value of Contracts
3000.170	Weapons on Riverboat
3000.180	

SUBPART B: LICENSES

Section	Classification of Licenses
3000.200	Fees and Bonds
3000.210	Applications
3000.220	Owner's Licenses
3000.230	Transferability of Ownership
3000.235	Supplier's Licenses
3000.240	Occupational Licenses
3000.245	Transferability of Licenses
3000.250	Waiver of Requirements
3000.260	Certification and Registration of Electronic Gaming Devices
3000.270	Application for Registration for all Gaming Devices
3000.280	Transfer of License-Expiration
3000.281	Seizure of Gaming Devices
3000.282	Analysis of Questioned Electronic Gaming Devices
3000.283	

SUBPART D: HEARINGS ON NOTICE OF DENIAL OR PLACEMENT ON EXCLUSION LIST

Section	Coverage of Subpart
3000.400	Requests for Hearings
3000.405	Appearances
3000.410	Discovery
3000.415	Motions for Summary Judgement
3000.420	Proceedings
3000.425	Evidence
3000.430	Sanctions and Penalties
3000.435	Transmittal of Record and Recommendation to the Board
3000.440	

SUBPART E: EXCURSIONS

Section	Time of Excursion
3000.500	Excursions During Inclement Weather or Mechanical Difficulties
3000.510	

SUBPART F: CONDUCT OF GAMING

Section	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.600	Authorized Games
3000.605	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.610	Payout Percentage for Electronic Gaming Devices
3000.615	Cashing-In
3000.616	Submission of Chips for Review and Approval
3000.620	Chip Specifications
3000.625	Primary, Secondary and Reserve Sets of Gaming Chips
3000.630	Issuance and Use of Tokens for Gaming in Electronic Gaming Devices
3000.635	Exchange of Chips and Tokens
3000.640	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.645	

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3000.650 Inventory of Chips
 3000.655 Destruction of Chips and Tokens
 3000.660 Minimum Standards for Electronic Gaming Devices
 3000.665 Integrity of Electronic Gaming Devices
 3000.670 Computer Monitoring Requirements of Electronic Gaming Devices

AUTHORITY: Implementing and authorized by The Riverboat Gambling Act (Ill.Rev.Stat. 1990 Supp., ch. 120, pars. 2401 et. seq.).

SOURCE: Rules adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. _____, effective _____.

SUBPART G: EXCLUSION OF PERSONS

Section
 3000.700 Duty to Exclude
 3000.710 Distribution and Availability of Exclusion Lists
 3000.720 Criteria for Exclusion or Ejection and Placement on an Exclusion List
 3000.730 Procedure for Entry of Names
 3000.740 Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section
 3000.800 Required Surveillance Equipment
 3000.810 Security and Surveillance Rooms Requirements
 3000.820 Segregated Telephone Communication
 3000.830 Security Logs
 3000.840 Storage and Retrieval
 3000.850 Dock Site Board Facility
 3000.860 Maintenance and Testing

SUBPART I: LIQUOR LICENSES

Section
 3000.900 Liquor Control Commissioner
 3000.910 Liquor Licenses
 3000.920 Disciplinary Action
 3000.930 Hours of Sale

SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

Section
 3000.1000 Ownership Records
 3000.1010 Accounting Records
 3000.1020 Standard Financial and Statistical Records
 3000.1030 Annual Audits and Other Reporting Requirements
 3000.1040 Accounting Controls Within the Cashier's Cage
 3000.1050 Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
 3000.1060 Handling of Cash at Gaming Tables
 3000.1070 Tips or Gratuities
 3000.1071 Deposits of Admissions Tax and Wagering Tax
 3000.1072 Cash Reserve Requirements

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SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of these Rules the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. (Ill. Rev. Stat. 1990 Supp., ch. 120, pars. 2400, et seq.).

"Alcoholic Liquors": Any spirits, wine, beer, ale or other liquor containing more than one-half of one percent (1/2%) alcohol by volume which is includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a business entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Baccarat": A card game played with a deck or multiple decks of cards dealt from a shoe. The highest game count possible is nine (9). The hand with the highest point count wins.

"Bill Changer": Any mechanical, electrical, or other device, contrivance or machine designed for the purpose of dispensing an amount of tokens or credits equal to the amount of currency inserted into the bill changer system.

"Blackjack": See "Twenty-One".

"Board": The Illinois Gaming Board.

"Board Surveillance Room": A room or rooms on each riverboat for the exclusive use of the Board for monitoring and recording of gaming and other activities.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an owner's license for use in gaming other than in Electronic Gaming Devices on such holder's riverboat or riverboats.

"Craps": A game in which dice are rolled to make different points or combinations.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card used for cash or cash equivalent.

"Electronic Gaming Device": Any mechanical, electrical device or machine which upon payment of consideration available to play or operate, operation of which, whether by reason of the skill of the operator, or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive premiums, merchandise, tokens, redeemable game credits or anything of value other than unredeemable free games whether the payoff is made automatically from the machines or in any other manner.

"Electronic Gaming Device Drop": The total value of tokens contained in the drop bucket.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid jackpots minus hopper fills plus hopper credits.

"EPROM": Erasable, Programmable, Read Only Memory.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of these rules.

"Exclusion List": A list or lists which contain identities of persons who are to be excluded or ejected from any licensed gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a riverboat gaming operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the gaming operation or pose a threat to the interests of the State of Illinois.

"Faro": A card game played with a single fifty-two (52) card deck dealt by drawing cards face up from an opened framed box.

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"Game": A banking, wagering, gambling or percentage game or activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which affects the result of a Game by determining win or loss, including without limitation electronic, electrical, or mechanical devices or machines, software, cards, or dice, and any representative of value used with any Game, including without limitation Chips, Tokens, or electronic debit cards and related hardware and software.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's License who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a business entity that is deemed to be held by the holder of an Owner's License not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Internal Control System": Internal procedures and administration and accounting controls designed by the holder of an Owner's License for the purpose of exercising control over the Riverboat Gaming Operation.

"Keno": A Game in which a player selects anywhere from one (1) to twenty (20) numbers between one (1) and eighty (80). A winner is determined by an automatic device which randomly chooses twenty (20) numbers.

"Key Person": An officer, director, trustee, partner, proprietor, or managing agent of, or a holder of any direct or indirect legal or beneficial interest whose combined

direct, Indirect or Attributed interest is 5% or more in, a business entity.

"Klondike": A solitaire card Game played with a single fifty-two (52) card deck.

"Live Gaming Device": Any non-electrical or nonelectro-mechanical apparatus used to gamble upon, including but not limited to Roulette wheel and table, Blackjack table, Crap table and Poker tables.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, or Exclusion issued by the Board.

"Payout": Winnings earned on a wager.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Poker": A card Game played by a maximum of ten (10) players who are dealt cards by a nonplayer dealer. The object of the Game is for each player to bet the superiority of his own hand and win the other players' bets by either making a bet no other player is willing to match or proving to hold the most valuable cards after all the betting is over.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": A value determined by a holder of an Owner's License and arrived at by income of independent, local or interlinked Electronic Gaming Devices. This value shall be clearly displayed above the interlinked Electronic Gaming Device, and metered incrementally by a Progressive Controller. A progressive machine must prominently display a manufacturer-supplied glass indicating either that a progressive jackpot is to be paid or indicating the current amount of the jackpot.

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"Punchboard": A Game in which a player selects a slip of paper or paper banded ticket which contains hidden from view a symbol, set of symbols or number(s) that have been designated in advance as winners. This Game can otherwise be identified as Pulltab, Jar Ticket, Push Card or Number Ticket.

"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat Gaming Operation": The conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Roulette": A Game played on a horizontal rotating wheel in which players can bet on which compartment a non-metallic ball may come to rest.

"Security Room": A room or rooms on each Riverboat for monitoring and recording of Gaming and other activities by employees of the Riverboat Gaming Operation.

"Signature": The definitive identity of an individual Specific EPROM Chip, determined by electronic analysis and reflective of the EPROM Chip's game behavior capability.

"Sole Proprietor": A person who in his or her own name owns 100% of the assets and who is solely liable for the debts of a business.

"Slot Machine": A type of Electronic Gaming Device.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

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"Support Facility": A place of business which is part of, or operates in connection with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their key persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's License through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The sum of the number of Tokens expected to be paid as a result of jackpots divided by the number of different possible outcomes.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's License for use in Electronic Gaming Devices.

"Twenty-One": Twenty-one (blackjack) is a card Game played with a single deck or multiple decks of cards dealt from a shoe. The player attempts to beat the dealer by obtaining a total equal to or less than twenty-one (21) so that his total is higher than the dealer's.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat and the specific value of the Chip.

"Wager": A sum of money or thing of value risked.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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SUBPART B: LICENSES

Section 3000.200 Classification of Licenses

The Board may classify an activity to be licensed in addition to, different from, or at a different level than the classifications set forth in this Subpart.

- a) Owner's License. An owner of a Riverboat Gaming Operation is required to hold an Owner's License.
- b) Supplier's License. The following persons or entities are required to hold a Supplier's License:

- 1) Gaming Operations Entity. All employees of a Gaming Operations entity will be required to hold an Occupation License in accordance with subsection (c) of this Section.
- 2) Supplier of Gaming Equipment/Supplies, including a manufacturer, distributor, wholesaler, or retailer. All manufacturers of Electronic Gaming Devices, Chips, and Tokens must be licensed as a Supplier regardless of whether the manufacturer uses an independent distributor or wholesaler to distributes its Equipment/Supplies.

- 3) Supplier of Gaming Equipment maintenance or repair services.
- 4) Supplier of security services.
- 5) Lessors of Riverboat and/or dock facilities.
- 6) Supplier of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

- c) Occupation License. A person employed at a Riverboat Gaming Operation is required to hold an Occupation License. An Occupation licensee may perform any activity included within the licensee's level of Occupation License or any lower level of Occupation License.

- 1) Occupation License, Level 1, includes the following positions, or their equivalent:

- A) Audit Manager;
 - B) Casino Manager;
 - C) Chief of Security;
 - D) Chief Financial Officer and/or Controller;
 - E) EDP Manager;
 - F) Slot-Department-Manager; Electronic Gaming Device Manager; and
 - G) Table Games Manager.
- 2) Occupation License, Level 2. A Gaming or security employee not required to hold an Occupation License, Level 1.
 - 3) Occupation License, Level 3. An employee not required to hold an Occupation License, Level 1 or Level 2.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.210 Fees and Bonds

All fees shall be submitted to the Board in the form of a check or money order made payable to the State of Illinois.

- a) Application Fees. The following application fees must be paid upon the submittal of the application to which they relate:

- 1) Owner's License: \$50,000.
- 2) Supplier's License: \$10,000.
- 3) Occupation License, Level 1: \$1,000.
- 4) Occupation License, Level 2: \$200.
- 5) Occupation License, Level 3: \$75.

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- b) Increased Application Fee. The application fee of an applicant may be increased to the extent that the cost of the investigation relating to the applicant exceeds the applicant's fee amount provided in paragraph (a). Unless otherwise determined by the Administrator, no further action shall be taken with respect to the application until payment of the increased fee is received by the Board.
- c) License Fees. The following annual license fees are due upon the final finding of the Board that an applicant is suitable for licensing. If there is cause for any investigation at any time, applicant or holder of a license shall pay the Board for the cost of the investigation.
- 1) Owner's License: \$35,000. \$25,000 for the first year of licensure, \$5,000 for each succeeding year of licensure.
 - 2) Supplier's License: \$5,000.
 - 3) Occupation License, Level 1: \$50.
 - 4) Occupation License, Level 2: \$50.
 - 5) Occupation License, Level 3: \$50.

d) Holder of an Owner's License Bond

- 1) The form of the holder of an Owner's License surety bond required under Section 10 of the Act must be approved by the Administrator prior to its posting.
 - A) The bond shall state that it is exercisable if the licensee fails to comply with the obligations provided under Section 10 of the Act. The bond may provide that the liability of the surety is limited to the extent of the liability of the licensee.
 - B) The bond shall state that in the event it is to be modified or cancelled the surety shall notify the Board in writing at least 30 days

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prior to the date of such modification or cancellation.

- C) The bond shall state that it shall run continuously and remain in full force and effect during the period of the licensee's licensure.
- 2) The bond shall be posted with the Index-Division of-the-Office-of-the-Secretary-of-State Board.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.220 Applications

- a) Application Forms. Application forms shall be submitted by applicants for the classes of licenses issued by the Board as provided in this Section.
 - 1) Owner's License. Owner's License Application Form and Personal Disclosure Form 1 for each of the applicant's Key Persons, or any other principal or investor as the Board may require.
 - 2) Supplier's License. Supplier's License Application Form and Personal Disclosure Form 1 for each of the applicant's Key Persons, or any other principal or investor as the Board may require.
 - 3) Occupation License, Level 1. Personal Disclosure Form 1.
 - 4) Occupation License, Level 2. Personal Disclosure Form 2.
 - 5) Occupation License, Level 3. Personal Disclosure Form 3.
- b) Additional or Different Forms or Materials. An applicant may be required to submit forms or materials in addition to, different from, or from persons or business entities in addition to or different from, those listed in paragraph (a).

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c) Application Procedures

- 1) An applicant is seeking a privilege and assumes and accepts any and all risk of adverse publicity, notoriety, embarrassment, criticism or other action, or financial loss which may occur in connection with the application process.
- 2) Any misrepresentation or omission made with respect to an application shall be grounds for denial of the application, imposition of penalties, discipline, revocation, suspension, or other action.
- 3) Application forms and requested materials shall be submitted in triplicate. Application forms and requested materials for Owner's and Supplier's Licenses shall be submitted in bound form.
- 4) Applicants for Occupation Licenses shall be photographed and fingerprinted at the time of application at a place designated by the Administrator.
- 5) An application shall be deemed filed when the completed application form, including all required documents and materials, and the application fee have been submitted.

d) Amendments and Incorporation by Reference

- 1) An application may be amended only upon leave of the Board.
- 2) The Board may allow information, documents, or other materials submitted by an applicant to be incorporated by reference into a subsequent application.

e) Withdrawal of Applications. An application may be withdrawn only upon leave of the Board.

- 1) An Owner's or Supplier's application may be withdrawn only upon leave of the Board. The Board may deny leave to withdraw an Owner's or Supplier's application if it determines that withdrawal of the application would not be in the

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best interests of the public and the Gaming industry.

- 2) If an application for an Owner's or Supplier's license is withdrawn, the applicant may not reapply for a license of the same class within one (1) year from the date of withdrawal without leave of the Board.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.230 Owner's Licenses

- a) Overview of Licensing Procedures. Applications for Owner's Licenses shall be subject to the following procedures prior to licensure:

- 1) Investigation of the applicant and application;
 - 2) Preliminary finding of preliminary suitability;
 - 3) Assessment of the Riverboat Gaming Operation;
 - 4) Final practice Gaming excursion;
 - 5) Action of the Board; and
 - 6) Different or additional licensing procedures as required of an applicant by the Board.
- b) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials relating to the applicant and the applicant's application.

c) Preliminary Finding of Preliminary Suitability

- 1) An applicant for an Owner's License shall present to the Board in a public meeting the bases why it is suitable for licensing.
- 2) An applicant must satisfy the Board by clear and convincing evidence that the applicant:

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- A) Has met those requirements pursuant to Section 7 of the Act;
- B) Is a person or entity whose background, reputation and associations will not result in adverse publicity for the State of Illinois and its gaming industry; and
- C) Has adequate business competence and experience to be a holder of an Owner's License.
- D) The proposed funding of the entire operation shall be adequate for the nature of the proposed operation and be from a suitable source.
- 3) The Administrator shall then make a preliminary report to the Board in a public meeting concerning the suitability of an applicant for licensing.
- 4) After presentation by the applicant and the Administrator, the Board shall determine whether to find the applicant preliminarily suitable for licensing.
- 5) If the Board finds the applicant preliminarily suitable for licensing, it shall issue the applicant a preliminary finding of preliminary suitability.
- 6) If the Board finds the applicant not preliminarily suitable for licensing, it shall issue the applicant a Notice of Denial.
- d) Assessment of the Riverboat Gaming Operation
- 1) After an applicant is found preliminarily suitable for licensing, the applicant's Riverboat Gaming Operation shall be assessed to determine its effectiveness, integrity, and compliance with law and Board standards.
- A) The matters to be assessed include:
- i) The Gaming Operations Manager;
- 2) The Administrator shall report to the Board concerning the suitability of the applicant and the applicant's Riverboat Gaming Operation for licensing.
- 3) After receipt of the Administrator's report, the Board shall determine whether to authorize a final practice Gaming excursion.
- ii) Proposed Gaming Operations and use Of Gaming equipment;
- iii) The Riverboat and Riverboat Gaming Operation;
- iv) Handicapped access;
- v) Support Facilities;
- vi) Internal controls and operating procedures;
- vii) Security operations;
- viii) Staffing;
- ix) Casualty and liability insurance;
- x) Affirmative action hiring patterns;
- xi) The status of the financing commitments proposed in the applicant's application;
- xii) Information received subsequent to the preliminary finding of suitability concerning the applicant and the applicant's Key Persons; and
- xiii) Such other matters as the Board may require.
- B) The Board may establish a schedule setting a time table for the satisfactory compliance for all operations to be assessed.

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e) Final Practice Gaming Excursion

The Board may authorize the Administrator to conduct a final practice Gaming excursion and to issue the applicant a Temporary Operating Permit if the final practice Gaming excursion is successfully completed.

- 1) In determining whether a final practice Gaming excursion has been successfully completed, the Administrator shall assess, among other matters, the effectiveness, safety and security of the Riverboat Gaming Operation as well as the matters listed in Section 3000.230 (d) (1)(A).
- 2) If the Administrator determines that the final practice Gaming excursion has not been successfully completed, he shall report to the Board.
- 3) If the Administrator determines that the final practice Gaming excursion has been successfully completed, he shall:
 - A) Upon delivery of the applicant's license fee and a file stamped copy of the applicant's \$200,000 bond to the State of Illinois posted with the Secretary of State, issue the applicant a Temporary Operating Permit; and
 - B) Report to the Board.
- 4) A Temporary Operating Permit allows the applicant to operate the Riverboat Gaming Operation to which it pertains until it is withdrawn or the Board takes action on the application.
- 5) A Temporary Operating Permit may be withdrawn by the Administrator if he determines that the Riverboat Gaming Operation to which it pertains is not suitable for continued operation. If the Administrator withdraws a Temporary Operating Permit, he shall report to the Board.

f) Action of the Board

- 1) If the Board finds the applicant suitable for licensing, it shall issue the applicant a license.
- 2) If the Board finds the applicant not suitable for licensing, it shall:
 - A) Issue the applicant a Notice of Denial; and
 - B) If the applicant has been issued a Temporary Operating Permit, return the applicant's license fee.
- g) Notice of Denial
 - 1) An applicant served with a Notice of Denial may request a hearing in accord with Section 3000.405.
 - 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's application.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.245 Occupational Licenses

- a) Overview of Licensing Procedures. Applications for Occupational Licenses shall be subject to the following procedures prior to licensing:

- 1) Application;
- 2) Issuance of a Temporary Badge;
- 3) Investigation of the applicant;
- 4) Finding of suitability;
- 5) Action of the Board; and
- 6) Different or additional licensing procedures as required of the applicant by the Board.

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b) Temporary Identification Badge Requirements

- 1) Each occupational applicant shall receive from his employer a partially completed temporary identification badge. Applicant shall deliver such badge to a Board agent at applicant's employer's dock site facility for processing and completion.
- 2) The Temporary identification badge shall:
 - A) Be a white 3-1/2" by 2" card bearing the name and logo of the Riverboat Gaming Operation;
 - B) Provide space for a 1" by 1-1/4" photograph;
 - C) Display applicant's first name and job title;
 - D) Provide a space for an eight (8) digit number;
 - E) Provide a space for the Administrator's signature;
 - F) Provide spaces for the dates of issuance and expiration of such temporary badge; and
 - G) Provide on the reverse side a line for the employee's last name, signature, social security number and date of birth.
- 3) Upon presentation of the partially completed badge to a Board agent at the dock facility, the applicant shall be photographed and fingerprinted by the agent who shall complete and laminate the badge.
- 4) Temporary identification badges are not transferable and upon resignation or termination the temporary identification badge must be returned to the holder of an Owner's License. The holder of an Owner's License must then return the badge to the Board.
- c) Investigation of the Applicant and Application. An applicant is responsible for compliance with all requests for information, documents, or other materials

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relating to the applicant and the applicant's application.

- d) Finding of Suitability. The Administrator shall report all relevant information produced by his investigation to the Board and shall indicate his opinion as to suitability.
- e) Action of the Board
 - 1) In determining whether to grant such a license, the Board shall consider the character and reputation of the applicant and the qualifications of the applicant to perform the duties of the position to be licensed.
 - 2) If the Board finds the applicant suitable for licensing, it shall direct the Administrator to issue the applicant a license upon payment of the applicant's license fee, including applicable extra qualification license fees. If the applicant's license fee, including applicable extra qualification license fees, is not received by the Board within 10 business days after the date of mailing notification of the applicant's suitability for licensing to the applicant, the Administrator shall withdraw the applicant's Temporary Permit and report to the Board.
 - 3) If the Board finds the applicant not suitable for licensing, it shall issue the applicant a Notice of Denial.
- f) Notice of Denial
 - 1) An applicant who is served with a Notice of Denial may request a hearing in accord with Section 3000.405.
 - 2) If a hearing is not requested, the Notice of Denial becomes the final order of the Board denying the applicant's license application.
 - g) Reapplication for Denied License. If an applicant is denied a license, the applicant may not reapply for a license of the same class within one (1) year from the date of denial without leave of the Board.

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h) Permanent Identification Badge Requirements

- 1) Upon notification of a finding of suitability by the Board and issuance of an Occupational License to applicant, applicant shall receive from his employer a partially completed permanent identification badge. Applicant shall deliver such badge to a Board agent at applicant's dock site facility for completion and processing.

2) The permanent identification badge shall:

- A) Be of a color selected by the Riverboat Gaming Operation for use on all permanent identification badges utilized by its Occupational Licensees;
- B) Be a 3-1/2" by 2" card bearing the name and logo of the Riverboat Gaming Operation;
- C) Provide space for a 1" by 1-1/4" photograph;
- D) Provide a space for an eight (8) digit number;
- E) Display the employee's first name and job title;
- F) Provide a space for the Administrator's signature;
- G) Provide a space for the dates of issuance and expiration of applicant's Occupational License;
- H) Provide on the reverse side of the card a line for the employee's last name, signature, social security number and date of birth; and
- I) Permanent identification badges are not transferable and upon resignation or termination the permanent identification badge must be returned to the holder of an Owner's License. The holder of an Owner's License must then return the badge to the Board.

i) Display of Identification Badges

Identification badges as defined in Sections 3000.240 (c) and (i) of these rules shall be worn by all Occupational License applicants during work hours and by Occupational Licensees, including such persons employed on the dock site. Identification badges shall be clearly displayed.

- j) A fee of \$10.00 shall be paid to the Board for any necessary replacement(s) of identification badges.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.270 Certification and Registration of Electronic Gaming Devices

- a) The Administrator will review all Electronic Gaming Devices for proper mechanical and electronic functioning. Before certification of an Electronic Gaming Device, the Administrator may employ the services of an independent electronics laboratory to evaluate the device.
- b) After completing evaluations of the Electronic Gaming Device, the Administrator may certify the Electronic Gaming Device for registration.
- c) Gaming shall be prohibited with any Electronic Gaming Device which has not been registered with the Board.
- d) The holder of an Owner's License shall not possess or operate in Illinois an Electronic Gaming Device unless the Electronic Gaming Device has an Illinois Gaming Board registration number.
- e) The Supplier of the Electronic Gaming Device, after receiving the appropriate documentation, shall reimburse the Board for any cost incurred in any evaluation process.
- f) The holder of an Owner's License shall not alter the operation of registered Electronic Gaming Devices and shall maintain the Electronic Gaming Devices in a

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suitable condition. Each holder of an Owner's License shall keep a written list of any repairs made to Electronic Gaming Devices offered for play to the public. Repairs include, without limitation, replacement of parts that may affect the Game's outcome. The holder of an Owner's License shall make the list available for inspection by the Administrator upon request.

- g) The holder of an Owner's License shall keep a written list of the date of each distribution, the serial number of each Electronic Gaming Device, and the Illinois Gaming Board registration number.
- h) The holder of an Owner's License shall not dispose of any Electronic Gaming Device without prior written approval of the Administrator.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART D: HEARINGS ON NOTICE OF DENIAL OR PLACEMENT ON EXCLUSION LIST

Section 3000.420 Motions for Summary Judgement

The hearing officer may recommend a directed finding or summary judgement upon the filing of an appropriate motion by any party.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.425 Proceedings

- a) The burden of proof is at all times on the petitioner. The petitioner shall have the affirmative responsibility of establishing by clear and convincing evidence either that the petitioner is suitable for licensing or that the petitioner should not be excluded under Section 3000.8720.
- b) All testimony shall be given under oath or affirmation.
- c) Both parties may present an opening statement on the merits. petitioner proceeds first.

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- d) The petitioner shall then present its case-in-chief in support of its suitability for licensure.
- e) Upon conclusion of the petitioner's case-in-chief, the respondent may move for a directed finding. The hearing officer may hear arguments on the motion or may grant, deny or reserve decision thereon, without argument.
- f) If no motion for directed finding is made, or if such motion is denied or decision reserved thereon, the respondent may present its case.
- g) Each party may conduct cross-examination of adverse witnesses.
- h) Upon conclusion of the respondent's case, the petitioner may present evidence in rebuttal.
- i) Both parties may present closing argument. The petitioner proceeds first, then the Respondent and thereafter the petitioner may present rebuttal argument.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART F: CONDUCT OF GAMING

Section 3000.610 Publication of Rules and Payout Ratio for Live Gaming Devices

A holder of an Owner's License shall provide in printed form to all patrons who request one, the rules and accurate payout ratio for each live Game in the area in which the Game is played. A holder of an Owner's License shall make payment in strict accordance with such published payout ratios.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 3000.620 Submission of Chips for Review and Approval

Each holder of an Owner's License shall submit to the Administrator for approval a sample of each denomination Value and Non-Value Chip in its primary and secondary sets and shall not utilize such Chips for Gaming purposes until approved by the Administrator.

- a) In requesting approval of such Chips, a holder of an Owner's License, prior to having any such Chips manufactured, shall first submit to the Administrator a detailed schematic of its proposed Chips, or a sample Chip, which shall show the front, back and edge of each denomination of Value Chip and each Non-Value Chip and the design and wording to be contained thereon, all of which shall be depicted on such schematic of Chip as they will appear, both as to size and location, on the actual Chip. Once the design schematics or Chip are approved by the Administrator, no Value or Non-Value Chip shall be issued or utilized until and unless a sample of each denomination of Value Chip and each color of Non-Value Chip is also submitted to and approved by the Administrator.

- b) No holder of an Owner's License or other person licensed by the Board shall manufacture for, sell to, distribute to or use in any casino outside of Illinois, any Value or Non-Value Chips having the same edge design as those approved for use in Illinois.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.625 Chip Specifications

a) Value Chips

- 1) Each Chip issued by a holder of an Owner's License shall be round in shape, have clearly and permanently impressed, engraved or imprinted thereon the name of the Riverboat and the specific value of the chip, except that a holder of an Owner's License may issue Gaming Chips without a value impressed, engraved or imprinted thereon for Roulette. Chips with a value contained thereon shall be known as "Value Chips" and Chips without

a value contained thereon shall be known as "Non-Value Chips."

- 2) Value Chips may be issued by the holder of the Owner's License in denominations of \$.50, \$1.00, \$2.50, \$5.00, \$20.00, \$25.00, \$100.00, \$500.00, \$1,000.00 and \$5,000.00. The holder of the Owner's License shall have the discretion to determine the denominations to be utilized on its Riverboat and the amount of each denomination necessary for the conduct of Gaming operations.
- 3) Each denomination of Value Chip shall have a different primary color from every other denomination of Value Chip. Value Chips shall fall within the colors set forth below when such Chips are viewed both in daylight and under incandescent light. In conjunction with such primary colors, each holder of an Owner's License shall utilize contrasting secondary colors for the edge spots on each denomination of Value Chip. Unless otherwise approved by the Administrator, no holder of an Owner's License shall use a secondary color on a specific denomination of Chip identical to the secondary color used by another holder of an Owner's License on that same denomination of the Value Chip. The primary color to be utilized by each holder of an Owner's License for each denomination of Value Chip shall be:

A)	\$0.50	-	"Mustard Yellow";
B)	\$1.00	-	"White";
C)	\$2.50	-	"Pink";
D)	\$5.00	-	"Red";
E)	\$20.00	-	"Yellow";
F)	\$25.00	-	"Green";
G)	\$100.00	-	"Black";
H)	\$500.00	-	"Purple";
I)	\$1,000.00	-	"Fire Orange"; and
J)	\$5,000.00	-	"Gray".

- 4) Each denomination of Value Chip utilized by a holder of an Owner's License shall, unless otherwise authorized by the Administrator:

- A) Have its center portion, which contains the value of the Chip and the Riverboat issuing

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it, of a different shape for each denomination;

~~B) Have the name or other approved identification of the Riverboat and the denomination of such Chip molded into its outer rim;~~

B)e) Be designed so as to be able to determine on closed circuit black and white television the specific denomination of such Chip when placed in stack of Chips of other denominations; and

C)b) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.

5) The Board shall have the discretion to approve a Value Chip in the denomination of \$1,000.00 or \$5,000.00 at variance with the requirements of this Section provided that any variation is specifically identified as such by the holder of the Owner's License and provided further that said variation does not affect the control, security or integrity of said Chips or the operation of the Games.

b) Non-Value Chips

1) Each Non-Value Chip utilized by a Riverboat shall be issued solely for the purpose of Gaming at Roulette. The Non-Value Chips at each Roulette table shall:

A) Have the name of the Riverboat issuing it molded into its center;

B) Contain a design, insert or symbol differentiating it from the Non-Value Chips being used at every other Roulette table in the Riverboat;

C) Have "Roulette" impressed on it; and

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D) Be designed, manufactured and constructed so as to prevent, to the greatest extent possible, the counterfeiting of such Chips.

2) Non-Value Chips issued at a Roulette table shall only be used for Gaming at that table and shall not be used for Gaming at any other table in the Riverboat nor shall any holder of an Owner's License or its employees allow any Riverboat patron to remove Non-Value Chips permanently from the table from which they were issued.

3) No person at a Roulette table shall be issued or permitted to Game with Non-Value Chips that are identical in color and design to Value Chips or to Non-Value Chips being used by another person at the same table. When a patron purchases Non-Value Chips, a Non-Value Chip of the same color shall be placed in a slot or receptacle attached to the outer rim of the Roulette wheel. At that time, a marker button denoting the value of a stack of twenty (20) Chips of that color shall be placed in the slot or receptacle.

4) Non-Value Chips shall only be presented for redemption at the table from which they were issued and shall not be redeemed or exchanged at any other location in the Riverboat Gaming Operation. When so presented, the dealer at such table shall exchange them for an equivalent amount of Value Chips which may then be used by the patron in Gaming or redeemed as any other Value Chips.

5) Each holder of an Owner's License shall have the discretion to permit, limit or prohibit the use of Value Chips in Gaming at Roulette provided, however, that it shall be the responsibility of the holder of an Owner's License to keep accurate account of the Wagers being made at Roulette with Value Chips so that the Wagers made by the one player are not confused with those made by another player at the table.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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Section 3000.645 Receipt of Gaming Chips or Tokens from
Manufacturer or Distributor

- a) When Chips or Tokens are received from the manufacturer or distributor thereof, they shall be opened and checked by at least two (2) employees of the holder of an Owner's License from different departments. Any deviation between the invoice accompanying the Chips or Tokens and the actual Chips or Tokens received or any defects found in such Chips or Tokens shall be reported promptly to the Administrator. An agent of the Board will be notified of the time of delivery of any Chips or Tokens to the holder of an Owner's License.

- b) After checking the Chips received, the holder of the Owner's License shall cause to be reported in a Chip inventory ledger the denomination of the Chips received, the number of each denomination of Chip received, the number and description of all Non-Value Chips received, the date of such receipt and the signature of the individuals who checked such Chips.

- c) If any of the Chips received are to be held in reserve and not utilized either at the Gaming tables or at a cashier's cage, they shall be stored in a separate locked compartment either in the vault or in a cashier's cage and shall be recorded in the Chip inventory ledger as reserve Chips.

- d) Any Chips received that are part of the secondary set of Chips of the Riverboat shall be recorded in the Chip inventory ledger as such and shall be stored in a locked compartment in the Riverboat vault separate from the reserve Chips.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART I: LIQUOR LICENSES

Section 3000.910 Liquor Licenses

- a) Fees.

The annual license fee shall be \$150.00.

- b) Duration of license.

All Riverboat liquor licenses issued by the Commission shall be valid for a period not to exceed one year after issuance, unless revoked or suspended as described in Ill.Rev.Stat. 1989, ch. 43, Section 117.

- e) ~~-----No Riverboat liquor license shall be issued to an owner prior to the issuance of its owner's license by the Board. The holder of an owner's license shall submit to the Commission a certified copy of the owner's license prior to issuance of a Riverboat liquor license.~~

- c) No Riverboat shall sell liquor without possessing a Temporary Operating Permit or an Owner's License.

- d) Display of the liquor license.

Every holder of an Owner's License shall cause the liquor license to be framed and hung in plain view in a conspicuous place on the licensed premises.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

SUBPART J: ACCOUNTING RECORDS AND PROCEDURES

Section 3000.1010 Accounting Records

- a) The holder of an Owner's License shall maintain complete, accurate, legible and permanent records of all transactions pertaining to its revenues and expenses. The Administrator may, from time to time, direct the holder of an Owner's License to alter the manner in which such records are maintained.

- b) General accounting records shall be maintained on a double entry system of accounting with transactions recorded on the accrual basis and supported by detailed, supporting and subsidiary records.

- c) The Administrator shall prescribe a uniform chart of accounts and accounting classification in order to insure consistency, comparability, and effective disclosure of financial information. The prescribed

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chart of accounts shall be the minimum level of detail to be maintained for each accounting classification by the holder of an Owner's License.

d) The detailed supporting and subsidiary records of the holder of an Owner's License shall include without limitation:

- 1) Detailed records identifying revenues, expenses, assets, liabilities and equity for the holder of an Owner's License;
- 2) Records of all investments, advances, loans and receivable balances, other than patron checks, due the establishment;
- 3) Record of all loans and other amounts payable by the holder of an Owner's License;
- 4) Record of all patron checks initially accepted by the holder of an Owner's License, deposited by the owner, returned to the owner as "uncollected" and ultimately written-off as uncollectible by the holder of an Owner's License;
- 5) Journal entries prepared by the holder of an Owner's License and the independent accountant selected by the Administrator;
- 6) Tax workpapers used in preparation of any state or federal tax return;
- 7) Records which identify Table Drop, Table Win and percentage of Table Win to Table Drop for each live table game and those records accumulated for each type of live table game, either by shift of other accounting period approved by the Administrator;
- 8) Records which identify the actual tokens-in, tokens-out, Electronic Gaming Device Drop, Electronic Gaming Device Win, Electronic Gaming Device Win to Electronic Gaming Device Drop and Theoretical Payout Percentage for each Electronic Gaming Device on a per day basis or other accounting period approved by the Administrator;

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- 9) Records supporting the accumulation of the costs for complimentary services and items. A complimentary service or item provided to patrons in the normal course of an owner's business shall be recorded at an amount based upon the full retail price normally charged for such service or item;
- 10) Records which identify the purchase, receipt, and destruction of Gaming Chips and Tokens from all sources ~~including receipts from-bait-changers~~;
- 11) Records required to fully comply with all the Federal Financial Record-keeping requirements as enumerated in Title 31 C.F.R., Part 103.
- 12) Records required by the holder of an Owner's License's Internal Control System; and
- 13) Any other records that the Administrator requires be maintained.
- e) If a holder of an Owner's License fails to maintain the records used by it to calculate the Adjusted Gross Receipts or the number of persons admitted on the Riverboat, the Administrator may compute and determine the amount upon the basis of an audit conducted by the Board, of any information within the Board's possession, or statistical analysis.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

Section 3000.1070 Tips or Gratuities

- a) No Gaming employee shall accept currency as a tip or gratuity from any patron.
- b) No Riverboat Gaming Operation key employee or boxperson, floorperson, or any other Riverboat Gaming Operation employee who serves in a supervisory position shall solicit or accept, and no other Riverboat Gaming Operation employee shall solicit, any tip or gratuity from any player or patron of the Riverboat Gaming operation where he is employed. The holder of an

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Owner's License shall not permit any practices prohibited by subsection (a) of this Section.

c) All tips and gratuities allowed dealers shall be:

- 1) Immediately deposited in a transparent locked box reserved for that purpose. If Non-Value Chips are received at a Roulette table, the marker button indicating their specific value shall not be removed from the slot or receptacle attached to the outer rim of the Roulette wheel until after a dealer in the presence of a supervisor has converted them into Value Chips which are immediately deposited in a transparent locked box reserved for the purpose;

- 2) Accounted for by a recorded count conducted by a randomly selected dealer and a randomly selected employee of the accounting department;

- 3) Placed in a pool for pro rata distribution among the dealers on a weekly-basis basis that coincides with the normal pay period, with the distribution based upon the number of hours each dealer has worked. Tips or gratuities from this pool shall be deposited into the holder of an Owner's License's payroll account. Distributions to holder of an Owner's License shall be made following the practices and shall be subject to all applicable state and federal withholding taxes;

- d) Upon receipt from a patron of a tip or gratuity, a dealer assigned to the Gaming table shall extend his arm in an overt motion, and deposit such tip or gratuity in the transparent locked box reserved for such purpose; and

- e) State and Federal taxes shall be withheld on tips and gratuities received by employees.

(Source: Amended at 16 Ill. Reg. _____, effective _____)

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- 1) Heading of Part: Sample Collection for Genetic Marker Indexing

- 2) Code Citation: 20 Ill. Adm. Code 1285

- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
1285.10	New Section
1285.20	New Section
1285.30	New Section
1285.40	New Section
1285.50	New Section
1285.60	New Section
1285.70	New Section
1285.80	New Section

- 4) Statutory Authority: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1005-4-3) and authorized by Section 55a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55a).

- 5) A Complete Description of the Subjects and Issues Involved: Section 5-4-3 of the Unified Code of Corrections requires the collection of blood and saliva samples from certain sex offenders. These rules describe how and by whom this collection will be made.

- 6) Will this proposed rule replace an emergency rule currently in effect? No.

- 7) Does this rulemaking contain an automatic repeal date? No.

- 8) Does this proposed rule contain incorporations by reference? No.

- 9) Are there any other amendments pending on this Part? No.

- 10) Statement of Statewide Policy Objectives: Imposition of the proposed rules will require the County State's Attorney's Office to draft certain court orders and present them to a judge. In particular cases, the County Sheriff or probation department will also be required to arrange for the collecting of blood samples from qualifying offenders.

The objective of the legislation is to enable the collection of genetic markers (through blood samples) for all persons fitting a particular offender status. In order to facilitate this collection, it is necessary to require the cooperation of the local agencies that may have physical custody or authority over these individuals.

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Only those agencies having control of the prosecution and custody of the person can require that this collection takes place. The Illinois State Police will do whatever possible to assist and support the local agencies in these limited tasks. However, without the assistance of the local entities, the State does not have the authority or physical control necessary to achieve the legislative purpose.

- 11) Time, place, and manner in which interested persons may comment on this proposed rulemaking: Within 14 days of the date of publication of this Notice, any interested person may request the opportunity to submit comments, data, views, or argument regarding the proposed rules. The request and submissions must be in writing and directed to:

Mr. James W. Redlich
Chief Legal Counsel
Illinois State Police
201 Armory Building
P.O. Box 19461
Springfield, Illinois 62794-9461
217/782-7658

The Department will consider any written submissions or comments if the request to comment is mailed within 14 days of the date of publication of this Notice and is received in writing by the Department within 30 days of the date of publication of this Notice.

- 12) Initial Regulatory Flexibility Analysis: This rulemaking has no effect on small businesses.

The full text of the Proposed Rules begins on the next page.

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT
CHAPTER II: DEPARTMENT OF STATE POLICE

PART 1285
SAMPLE COLLECTION FOR GENETIC MARKER INDEXING

SUBPART A: PROMULGATION

Section	
1285.10	Purpose
1285.20	Definitions

SUBPART B: OPERATIONS

Section	
1285.30	Responsibilities
1285.40	Voluntary Samples
1285.50	Procedures for Collection
1285.60	Privacy Protection
1285.70	Expungement of Records
1285.80	Non-participation

AUTHORITY: Implementing and authorized by Section 5-4-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1005-4-3) and authorized by Section 55a of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55a).

SOURCE: Adopted at 16 Ill. Reg. _____, effective _____.

SUBPART A: PROMULGATION

Section 1285.10 Purpose

The purpose of this Part is to provide procedures and define responsibilities for the collection of body fluid samples from certain sex offenders. These samples are required by law to be collected to enable genetic marker grouping analysis and indexing. The results shall be available for future criminal investigations and other forensic analysis purposes. Genetic marker grouping analysis and indexing may include, but is not limited to, those procedures known as DNA profiling, DNA indexing, and other processes used to identify distinctive genetic characteristics.

Section 1285.20 Definitions

Unless specified otherwise, all terms shall have the meaning set forth in Section 5-4-3 of the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, par. 1005-4-3). For purpose of this Part, the following additional definitions apply:

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"Act" means the Unified Code of Corrections (Ill. Rev. Stat. 1989, ch. 38, pars. 1001-1-1 et seq.).

"Department" means the Illinois Department of State Police.

"Designated Agency" means the entity designated by these rules to be responsible for the collection of blood specimens.

"Kit" means the Genetic Marker Indexing Kit provided by the Department.

"Qualifying offender" means any person as described at Section 5-4-3(a) of the Act.

"Sample" means specimens of blood collected from a qualifying offender.

SUBPART B: OPERATIONS

Section 1285.30 Responsibilities

- a) When a person becomes a qualifying offender, the State's Attorney shall, at the time of sentencing, request that the court issue an order requiring the qualifying offender to comply with Section 5-4-3(a) of the Act.
- b) At the time of sentencing the qualifying offender, the sentencing judge shall issue an order requiring the offender to provide specimens of blood which shall be submitted to the Department in accordance with Section 5-4-3(a) of the Act.
- c) The designated agency responsible for sample collection of qualifying offenders is as follows:

- 1) The sheriff's office in the county where the qualifying offender is sentenced is the designated agency and is responsible for the sample collection within the time limit specified by statute.

- 2) If the qualifying offender has not previously had a sample collected and is serving a term of incarceration in a facility under the control of the county sheriff, the sheriff's office is the designated agency and is responsible for the collection of the sample prior to the release of the offender.

- 3) If the qualifying offender has not previously had a sample collected and is transferred to a facility under the control of the Department of Corrections to serve a term of incarceration,

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the Department of Corrections is the designated agency and is responsible for the collection of the sample within 45 days of receiving the offender.

- 4) If the qualifying offender has not previously had a sample collected and is serving a term of incarceration in a facility under the control of the Department of Corrections, the Department of Corrections is the designated agency and is responsible for the collection of the sample prior to the release of the offender.

- 5) If the qualifying offender has not previously had a sample collected and is transferred to the Department of Corrections to be institutionalized as a sexually dangerous person or institutionalized as a person found guilty but mentally ill of a sexual offense or an attempted sexual offense, the Department of Corrections is the designated agency and is responsible for the collection of the sample within 45 days of receiving the offender.

- 6) If the qualifying offender has not previously had a sample collected and is presently institutionalized as a sexually dangerous person or institutionalized as a person found guilty but mentally ill of a sexual offense or an attempted sexual offense, the Department of Corrections is the designated agency and is responsible for the collection of the sample prior to the release of the offender.

- 7) If the qualifying offender has not previously had a sample collected and is serving a sentence but not physically incarcerated, the supervising agency (such as a probation office) is the designated agency and is responsible for collection of the sample prior to the termination of the sentence.

- d) In the event no court order has been issued at the time of sentencing requiring the qualifying offender to provide a sample, the designated agency shall request the State's Attorney of the county in which the offender is located to request the court to issue such an order. The court shall issue an order requiring the offender to provide the sample.

- e) If the offender voluntarily consents to provide the sample, no court order is necessary and it is not required to request one.

- f) A general order issued under the administrative authority of the chief judge of a circuit of proper jurisdiction is sufficient to satisfy the court order requirements of these rules. In the event

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such an order exists and is valid with respect to the qualifying offender, the State's Attorney need not seek an individualized order.

Section 1285.40 Voluntary Samples

Individuals may voluntarily provide samples to assist in missing person investigations or for other forensic analysis purposes. Collection and processing procedures for such samples shall be the same as those used for samples collected from qualifying offenders.

Section 1285.50 Procedures for Collection

a) Genetic Marker Indexing Kits shall be provided as needed by the Department to the designated agencies. The designated agencies shall order Genetic Marker Indexing Kits from a vendor specified by the Department. The kits shall be supplied and shipped at no cost to the designated agency. Each kit shall contain, but not be limited to, a receipt form, an instruction sheet, and containers for sample collections.

b) The collection site shall be any location chosen by the designated agency for sample collection.

c) The offender shall be positively identified before the samples are collected.

d) The samples shall be collected by qualified personnel as described by Section 5-4-3(d) of the Act.

e) Saliva samples need not be collected.

f) The receipt form, including the fingerprint of the qualifying offender, shall be completed by the designated agency at the time of sample collection.

g) The completed kit shall be delivered or sent to the Department address indicated in the kit instructions.

Section 1285.60 Privacy Protection

a) Except as provided in Subsection b) of this Section, the results of the genetic marker grouping analysis shall be disclosed only:

- 1) To criminal justice agencies for law enforcement identification purposes;
- 2) To a defendant for criminal defense purposes in response to valid subpoenas or other court orders;

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3) To law enforcement agencies for investigation of missing persons;

4) As otherwise required by law.

b) In addition, the Illinois State Police may use test results for a population statistics database or for other research or quality control purposes if personally identifying information is removed.

c) Direct electronic access to genetic marker grouping analysis data may be utilized when available for the purpose of disclosure as allowed in Subsection a) of this Section.

Section 1285.70 Expungement of Records

In the event the disposition upon which a sample collection was based has been reversed and no other grounds exist for sample collection, the record of the sample will be removed from the database when so ordered by a court of proper jurisdiction.

Section 1285.80 Non-participation

Results of genetic marker grouping analysis and access to the State genetic marker database information may be denied to any agency which fails to comply with the requirements of these rules.

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- 1) Heading of Part: Carriage by Public Highway
- 2) Code Citation: 92 Ill. Adm. Code 177
- 3) Section Numbers: Proposed Action:
177.2000 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendment, the Department proposes to update the date of incorporation by reference of 49 CFR 177 as of October 1, 1990 and include the final rule adopted as of December 21, 1990.

A review of the federal regulations adopted since October 1, 1990, to the proposed dates of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making substantive changes in the Department's regulations to bring Part 177 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this proposed rulemaking.

By proposing this rulemaking, the Department's regulations will incorporate changes made to Part 177 by US DOT in rulemaking Docket:

HM-181 [55 FR 52402 (December 21, 1990)]
HM-181 [56 FR 66124 (December 20, 1991)]

Docket HM-181 (December 21, 1990) Amended the regulations by making significant changes to the Hazardous Materials Regulations with regard to the format of the regulations, the classification of materials, the hazard communication provisions and the packaging requirements. Part 177 contains the requirements that are applicable to transportation by motor vehicle. The terminology in each section of Part 177 was revised to reflect U.N. hazard classes and to include metric measurements. The segregation table for hazardous materials in Section 177.848 was revised.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- 8) Does this proposed amendment contain incorporations by reference?
Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.
- 9) Are there any other amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:
Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

By Messenger or Inter-Agency Mail:
DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: March 2, 1992
- B) Types of small businesses affected: Those businesses that offer for shipments or carry hazardous materials by highway.
- C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.
- D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of this Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 177
 CARRIAGE BY PUBLIC HIGHWAY

Section
 177.1000 General
 177.2000 Incorporation By Reference of 49 CFR 177

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, P. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 18930; Part repealed, new Part adopted at 10 Ill. Reg. 5853, effective April 1, 1986; amended at 10 Ill. Reg. 20749, effective December 1, 1986; amended at 11 Ill. Reg. 4768, effective March 10, 1987; amended at 11 Ill. Reg. 17881, effective October 20, 1987; amended at 12 Ill. Reg. 8074, effective April 26, 1988; amended at 13 Ill. Reg. 3957, effective March 14, 1989; amended at 14 Ill. Reg. 2613, effective February 1, 1990; amended at 15 Ill. Reg. 7743, effective May 7, 1991; amended at _____, effective _____.

Section 177.2000 Incorporation By Reference of 49 CFR 177

- a) As Part 177 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 177 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1990; as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 66124, December 20, 1991, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 177 are incorporated.
- b) The following interpretations of, additions to and deletions from 49 CFR 177 shall apply for purposes of this Part 177 of the Illinois Hazardous Materials Transportation Regulations.
- 1) All references to "this part" in the incorporated federal regulations shall mean Part 177 of the Illinois Hazardous Materials Transportation Regulations.

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- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to motor vehicles engaged in interstate commerce shall be deemed to include any motor vehicle engaged in commerce within the State of Illinois.
- 7) Section 177.804 in 49 CFR is deleted and not incorporated.

(Source: Amended at _____ Ill. Reg. _____, effective _____.)

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NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of Part: Continuing Qualification and Maintenance of Packaging
- 2) Code Citation: 92 Ill. Adm. Code 180
- 3) Section Numbers: 180.2000
Proposed Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendment, the Department proposes to update and extend the dates of incorporation by reference of 49 CFR 180 as of October 1, 1990 and include those final rules adopted as of June 17, 1991; December 20, 1991 and January 6, 1992.

A review of the federal regulations adopted since October 1, 1990 indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking makes substantive changes in the Department's regulations to bring Part 180 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this proposed rulemaking.

By proposing this rulemaking, the Department's regulations will incorporate changes made to Part 180 by US DOT in rulemaking Dockets:

HM-183 [56 FR 27872 (June 17, 1992)]
HM-181 [56 FR 66124 (December 20, 1991)]
HM-183 [57 FR 364 (January 6, 1992)]

Docket HM-183 (June 17, 1991) Amended the regulations to correct and clarify revisions to certain requirements pertaining to cargo tank motor vehicles.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

Docket HM-183 (January 6, 1992) Amended the regulations to delay the compliance date when persons who are engaged in the manufacture and repair of MC 306, MC 307 and MC 312 cargo tank motor vehicles must submit a copy of their Certificate of Authorization to RSPA.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

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8) Does this proposed amendment contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered.

Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to D.C.C.A.: March 2, 1992

B) Types of small businesses affected: Those businesses that offer for shipments or carry hazardous materials by highway.

C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.

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- D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of the Proposed Amendment begins on the next page:

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NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 180

CONTINUING QUALIFICATION AND MAINTENANCE OF PACKAGING

Section
180.1000 General
180.2000 Incorporation by Reference of 49 CFR 180

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 14 Ill. Reg. 2617, effective February 1, 1990; amended at 15 Ill. Reg. 7748, effective May 7, 1991; amended at ____ Ill. Reg. ____, effective ____.

Section 180.2000 Incorporation by Reference of 49 CFR 180

- a) As Part 180 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates 49 CFR 180 by reference, as that Part of the federal hazardous material transportation regulations was in effect on October 1, 1990; as amended at 56 FR 27872, June 17, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 57 FR 364, January 6, 1992, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 180 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 180 shall apply for purposes of this Part 180 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 180 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this Subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.

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- 4) All references to Parts 174, 175, 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous material transportation regulations.
- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

- 1) Heading of Part: General Information, Regulations and Definitions

- 2) Code Citation: 92 Ill. Adm. Code 171

- 3) Section Numbers: Proposed Action:

171.6
171.1000

Renumbered
Amendment

- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 700-9(a)

- 5) A complete description of the subjects and issues involved:

By this Notice of Proposed Amendments, the Department proposes to update and extend the dates of incorporation by reference of 49 CFR 171 as of October 1, 1990 and include those final rules amended as of November 7, 1990, December 21, 1990, February 28, 1991, September 18, 1991, October 1, 1991, October 2, 1991, November 12, 1991, December 20, 1991 and January 16, 1992. The Department is proposing to renumber Section 171.6 of the Illinois Hazardous Materials Transportation Regulations to Section 171.5. In Section 171.1000(b)(6), the Department is proposing to delete the dash and insert the word "through." Section 171.1000(b)(9) is deleted.

A review of the federal regulations adopted since October 1, 1990, to the proposed dates of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making substantive changes in the Department's regulations to bring Part 171 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this proposed rulemaking.

By proposing this rulemaking, the Department's regulations will incorporate changes made to Part 171 by US DOT in rulemaking Dockets:

HM-145I [55 FR 46794 (November 7, 1990)]
HM-181 [55 FR 52402 (December 21, 1990)]
HM-207 [56 FR 8616 (February 28, 1991)]
HM-181 [56 FR 47158 (September 18, 1991)]
HM-181 [56 FR 49830 (October 1, 1991)]
HM-198A [56 FR 49980 (October 2, 1991)]
HM-23 [56 FR 57560 (November 12, 1991)]
HM-181 [56 FR 66124 (December 20, 1991)]
HM-139H [57 FR 1874 (January 16, 1992)]

Docket HM-145I (November 7, 1990) Amended the regulations by revising the "List of Hazardous Substances and Reportable Quantities" which appears in the appendix of 49 CFR 172.101. The words "E P toxicity" were removed and the word "toxicity" were added in Section 171.11.

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Docket HM-181 (December 21, 1990) Amended the regulations by making significant changes to the Hazardous Materials Regulations with regard to the format of the regulations, the classification of materials, the hazard communication provisions, and the packaging requirements. Part 171 contains definitions, reporting requirements, a listing of matter incorporated by reference and procedural requirements. The International System of Units ("SI" or metric units) was added and incorporated as the regulatory standard in Section 171.6. A title revision was made in Section 171.7, it now reads "Reference Materials." This section also updated and revised the present material incorporated by reference in an easy to use format. U.N. terminology was incorporated, some new definitions were added, other definitions were revised or deleted in Section 171.8. Transitional packaging requirements were revised in Section 171.14.

Docket HM-207 (February 28, 1991) Amended the regulations to provide a nonsubstantive change by removing a date which has already passed.

Docket HM-181 (September 18, 1991) Modified the transition dates previously established in Section 171.14 by docket HM 181 (December 21, 1990).

Docket HM-181 (October 1, 1991) Further extended the transition dates in Section 171.14.

Docket HM-198A (October 2, 1991) Amended the regulations to regulate materials which pose a hazard due to their being offered for transportation or transported at elevated temperatures.

Docket HM-23 (November 12, 1991) Amended the regulations to require regular inspection and periodic requalification of acetylene cylinders.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

Docket HM-139(H) (January 16, 1992) Amended the regulations to include transportation of air bag inflators and air bag modules in the hazardous materials regulations rather than under the exemptions program.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

By Messenger or Inter-Agency Mail

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: March 2, 1992
- B) Types of small businesses affected: Those businesses that offer for shipments or carry hazardous materials by highway.
- C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.
- D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of these Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER I: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 171
 GENERAL INFORMATION, REGULATIONS AND DEFINITIONS

Section	Purpose and Scope
171.1	General Transportation Requirements
171.2	Hazardous Waste
171.3	Exemptions
171.4	<u>Agricultural Exception</u>
171.5	<u>Agricultural Exception</u>
171.6	Matter Incorporated by Reference (Repealed)
171.7	Definitions and Abbreviations (Repealed)
171.8	Rules of Construction (Repealed)
171.9	Import and Export Shipments (Repealed)
171.10	Specification Markings (Repealed)
171.11	Notification and Reporting of Hazardous Materials Incidents
171.12	Hazardous Substance Discharge Notification
171.13	Continuation of Effectiveness of Existing Bureau of Explosives Registrations (Repealed)
171.14	Approvals or Authorizations Issued by the Bureau of Explosives (Repealed)
171.15	Retailer Exception
171.16	Incorporation by Reference of 49 CFR 171

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. 41, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; codified at 8 Ill. Reg. 17984; amended at 10 Ill. Reg. 9636, effective May 15, 1986; amended at 10 Ill. Reg. 20753, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1684, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4772, effective March 10, 1987; amended at 11 Ill. Reg. 7767, effective April 14, 1987; amended at 11 Ill. Reg. 17886, effective October 20, 1987; amended at 12 Ill. Reg. 8078, effective April 26, 1988; amended at 13 Ill. Reg. 3984, effective March 14, 1989; amended at 14 Ill. Reg. 2621, effective February 1, 1990; amended at 15 Ill. Reg. 7752, effective May 7, 1991; amended at ____ Ill. Reg. _____, effective _____.

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Section 171.65 Agricultural Exception

These regulations and Driving and Parking; 92 Ill. Adm. Code 397 do not apply to the transportation of those hazardous materials cited below when such commodities are transported from retailer to final agricultural end user, or between final end users from farm to farm in approved containers and in the amounts and manner specified:

- a) Agricultural pesticides classified as Class B Poison or Flammable by these regulations, when moved in quantities of 5,000 pounds or less (aggregate gross weight) or 500 gallons or less volume in solution;
- b) Gasoline, diesel fuels, oils, lubricants, and liquefied petroleum gas, when moved in quantities of 3,000 gallons or less and properly placarded in accordance with 92 Ill. Adm. Code 172.504(a).
- c) Ammonium nitrate fertilizer, when moved in quantities of 16,000 pounds (aggregate gross weight) or less.
- d) Anhydrous ammonia when transported in a cargo tank (commonly known as a nurse tank and considered an implement of husbandry) operated by private carriers exclusively for agricultural purposes, provided the cargo tank:
 - 1) Has a minimum design pressure of 250 per square inch (p.s.i.) and meets the requirements of the ASME code in effect at time of manufacture and is marked accordingly;
 - 2) Is equipped with safety relief valves meeting the requirements of CGA Pamphlet S1.2;
 - 3) Is painted white or aluminum;
 - 4) Has a capacity of 2,000 gallons or less;
 - 5) Is loaded to a filling density of 56 percent of water density (85 percent of volume capacity);
 - 6) Is securely mounted on a farm wagon; and
 - 7) Is in conformance with the requirements of 92 Ill. Adm. Code Part 172; except that shipping papers are not required; and it need not be marked or placarded on one end if that end contains valves, fittings, regulators, gauges,

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or other appurtenances that prevent the marking and placard from being properly placed and visible.

e) Formulated agricultural chemicals not listed in subsection a or c above which are offered for transportation in less-than-case lot quantities, or when repackaged, are not subject to 92 Ill. Adm. Code 172, Subpart D and the outside specification packaging requirements of Part 173 if all of the following conditions are met:

- 1) Inside packagings are enclosed in strong outside packagings. Inside liquid packagings are cushioned, if necessary, to prevent breakage and leakage;
- 2) Each inside packaging does not exceed 2 1/2-gallons capacity for liquids or 25 pounds for dry materials;
- 3) Gross weight of less-than-case or repackaged lots is not over 100 pounds in each vehicle;
- 4) Transportation is authorized only be private motor vehicle between a final distribution point and the ultimate point of application, if that distance does not exceed one hundred miles.

f) Formulated liquid agricultural chemicals in specification packagings of 55 gallons capacity, or less, with closures manifolded to a closed mixing system and equipped with positive dry disconnect devices may be transported by a private motor carrier between a final distribution point and an ultimate point of application or loading aboard on aircraft for aerial application.

(Source: Renumbered from Section 171.6 at 111. Reg.)

Section 171.1000 Incorporation by Reference of 49 CFR 171

a) As Part 171 of the Illinois Hazardous Materials Transportation Regulations, the Department incorporates the following sections of 49 CFR 171 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1990, as amended at 55 FR 46794, November 7, 1990; as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 8616, February 28, 1991; as amended at 56 FR 47158, September 18, 1991; as amended at 56 FR 49830, October 1, 1991; as amended at 56 FR 49980, October 2, 1991; as amended at 56 FR 57560, November 12, 1991; as amended at 56 FR 66124, December 20, 1991; as

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amended at 57 FR 1874, January 16, 1992 subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 171 of the federal regulations are incorporated.

171.6	Units of Measure
171.7	Matter-incorporated-by-Reference <u>Referenced</u> Material
171.8	Definitions and Abbreviations
171.9	Rules of Construction
171.11	Use of ICAO Technical Instructions
171.12	Import and Export Shipments
171.12a	Canadian Shipments and Packagings
171.14	Specification-Markings <u>Transitional Provisions</u> for Implementing Requirements Based on the UN Recommendations
171.18	Continuation of Effectiveness of Existing Bureau of Explosives
171.19	Approvals or Authorizations Issued by the Bureau of Explosives
171.20	Submission of Examination Reports

b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 171 shall apply for purposes of this Part 171 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 171 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Part 176 or to sections therein shall be read to refer to that part or sections in the federal regulations.

- 1) Heading of Part: Hazardous Materials Table and Hazardous Materials Communications
- 2) Code Citation: 92 Ill. Adm. Code 172
- 3) Section Numbers: 172.2000
172.2215
Proposed Action:
Amendment
Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to extend the date of incorporation by reference of 49 CFR 172 from October 1, 1990 and include those final rules adopted as of November 7, 1990; December 21, 1990, January 3, 1991, and February 22, 1991; October 2, 1991; December 20, 1991 and January 16, 1992. In Section 172.2215, the Department is proposing to delete the words "and hazardous substances" because it is inappropriate and the limitation on use of "permanent shipping papers" is necessary only for hazardous waste.

A review of the federal regulations adopted between October 1, 1990 and the proposed dates of incorporation by reference indicates there are changes made by US DOT that are not reflected in the Department's regulations. This rulemaking does have the effect of making substantive changes in the Department's regulations to bring Part 172 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this proposed rulemaking.

By proposing this rulemaking, the Department's regulations will incorporate changes made to Part 172 by US DOT in rulemaking dockets:

- HM-145I [55 FR 46794 (November 7, 1990)]
- HM-181 [55 FR 52402 (December 21, 1990)]
- HM-142A [56 FR 197 (January 3, 1991)]
- [56 FR 7312 (February 22, 1991)]
- HM-198A [56 FR 49980 (October 2, 1991)]
- HM-181 [56 FR 66124 (December 20, 1991)]
- HM-139H [57 FR 1874 (January 16, 1992)]

Docket HM-145I (November 7, 1990) Amended the regulations by revising the "List of Hazardous Substances and Reportable Quantities" which appears in the Appendix of 49 CFR 172.101.

Docket HM-181 (December 21, 1990) Amended the regulations by making significant changes to the Hazardous Materials Regulations with regard to the format of the regulations, the classification of materials, the

- 5) All references to shipments of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) All references to "these regulations" refers to the Illinois Hazardous Materials Transportation Regulations, 92 Ill. Adm. Code 102-through 180 and 397.
- 7) All references to a "settlement agreement", in these regulations, means a written understanding between the Department and the person being charged.
- 8) The following paragraphs to Section 171.7 "Matter incorporated by reference" in 49 CFR are deleted and not incorporated: 171.7(d)(2); 171.7(d)(21).
- 9) ~~Provisions of Section 171.12a, as it appears to affect Emergency Response Information in Docket HM-126-154-PR 27136, (June 27, 1989)), can be done now, but the enforcement date does not become effective until April 2, 1990.~~

(Source: Amended at Ill. Reg. _____, effective _____)

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hazard communication provisions and the packaging requirements. Part 172 has the listing of hazardous materials in the Hazardous Materials Table and various communications requirements for shipping paper descriptions, marking and labeling of packages, placarding of vehicles and bulk packagings, and emergency response communication. Some of the amendments to the regulations include revision of the heading for Part 172 to read, "Hazardous Materials Table, Special Provisions, Hazardous Materials Communications Requirements and Emergency Response Information Requirements", and a change to the hazardous materials descriptions in the Hazardous Materials Table which were revised to reflect the U.N. Recommendations, except for those shipping descriptions unique to the U.S. Transportation System. A column for Packing Group was added to the Table. Descriptions for hazardous materials on shipping papers were revised in Sections 172.202 and 172.203. Marking, labeling and placarding requirements in Part 172 were substantially revised. These changes are to be phased in over time.

Docket HM-142A (January 3, 1991) Amended the regulations by revising the definition of "etiologic agent." The maximum quantity permitted in one package was revised in Section 172.101. In order to be consistent with the international modal regulations, the proper shipping name "infectious substances, affecting humans" was included in Section 172.203.

Docket HM-198A (October 2, 1991) Amended the regulations to regulate materials which pose a hazard due to their being offered for transportation or transported at elevated temperatures.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

Docket HM-139H (January 16, 1992) Amended the regulations to include transportation of air bag inflators and air back modules in the hazardous materials regulations rather than under the exemptions program.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference?

Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

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10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to D.C.C.A.: March 2, 1992

B) Types of small businesses affected: Those businesses that offer for shipments or carry hazardous materials by highway.

C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.

D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of these Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 172

HAZARDOUS MATERIALS TABLE AND HAZARDOUS MATERIALS COMMUNICATIONS

Section	General
172.1000	Incorporation by Reference of 49 CFR 172
172.2000	Permanent Shipping Papers
172.2215	

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, 4487 and 4573, effective April 16, 1982; amended at 7 Ill. Reg. 3486, effective April 2, 1983; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 19601; amended at 8 Ill. Reg. 19622, effective October 1, 1984; emergency amendment at 8 Ill. Reg. 22889, effective November 9, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3810, effective March 11, 1985; Part repealed, new Part adopted at 10 Ill. Reg. 5864, effective April 1, 1986; amended at 10 Ill. Reg. 20759, effective December 1, 1986; emergency amendment at 11 Ill. Reg. 1690, effective January 16, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 4777, effective March 10, 1987; amended at 11 Ill. Reg. 7773, effective April 14, 1987; amended at 11 Ill. Reg. 17893, effective October 20, 1987; amended at 12 Ill. Reg. 8084, effective April 26, 1988; amended at 13 Ill. Reg. 3993, effective March 14, 1989; amended at 14 Ill. Reg. 2628, effective February 1, 1990; amended at 15 Ill. Reg. 7760, effective May 7, 1991; amended at _____ Ill. Reg. _____, effective _____.

Section 172.2000 Incorporation by Reference of 49 CFR 172

- a) As Part 172 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 172 by reference, as that Part of the federal hazardous material transportation regulations was in effect on October 1, 1990; as amended at 55 FR 46794, November 7, 1990; as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 197, January 3, 1991; as amended at 56 FR 7312, February 22, 1991; as amended at 56 FR 49980, October 2, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 57 FR 1874, January 16, 1992,

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NOTICE OF PROPOSED AMENDMENT(S)

subject only to the exceptions in subsection (b) of this Section and Section 172.2215. No later amendments to or editions of 49 CFR 172 are incorporated.

- b) The following interpretations of, additions to and deletions from 49 CFR 172 shall apply for purposes of this Part 172 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 172 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Any changes to 49 CFR 172 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 172.2215 Permanent Shipping Papers

Except for hazardous waste and hazardous substances, permanent shipping papers may be used for cargo tanks, showing the quantity of material in the tank as the maximum quantity of that hazardous material that could be carried in that tank. All other requirements of this Subpart and 92 Ill. Adm. Code 177.817 must be met.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

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1) Heading of Part: Shippers General Requirements for Shipments and Packagings

2) Code Citation: 92 Ill. Adm. Code 173

3) Section Numbers: Proposed Action:

173.3000 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 700-9(a)

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendment, the Department proposes to update the date of incorporation by reference of 49 CFR 173 as of October 1, 1990 and include those final rules adopted as of December 21, 1990, January 3, 1991, February 22, 1991, February 28, 1991, June 17, 1991, October 2, 1991, October 28, 1991, November 12, 1991, December 17, 1991, December 20, 1991, December 31, 1991 and January 16, 1992.

A review of the federal regulations adopted since October 1, 1990 to the proposed dates of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making limited substantive changes in the Department's regulations to bring Part 173 in line with the federal regulations.

The following is a summary of the changes made to US DOT regulations which are included in this proposed rulemaking.

By proposing this rulemaking, the Department's regulations will incorporate changes made to Part 173 by US DOT in rulemaking Dockets:

HM-181 [55 FR 53402 (December 21, 1990)]
 HM-142A [56 FR 197 (January 3, 1991)]
 [56 FR 7312 (February 22, 1991)]
 HM-207 [56 FR 8616 (February 28, 1991)]
 HM-183 [56 FR 27872 (June 17, 1991)]
 HM-198A [56 FR 49980 (October 2, 1991)]
 HM-210 [56 FR 55471 (October 28, 1991)]
 HM-23 [56 FR 57560 (November 12, 1991)]
 HM-198A [56 FR 65541 (December 17, 1991)]
 HM-181 [56 FR 66124 (December 20, 1991)]
 HM-198A [56 FR 67542 (December 31, 1991)]
 HM-139H [57 FR 1874 (January 16, 1992)]

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Docket HM-181 (December 21, 1990) Amended the regulations by making significant changes to the Hazardous Materials Regulations with regard to the format of the regulations, the classification of materials, the hazard communication provisions and the packaging requirements. Some of the hazard class definitions for classifying hazardous materials were revised in Part 173. Part 173 lists the DOT packagings authorized for specific materials and references the appropriate sections of Part 178 when DOT specification packagings are required. Several hundred revisions were made in this Part. Some of the sections amended include the following: A paragraph was added in Section 173.1 to indicate that the Hazardous Materials Regulations are not consistent in all respects with the United Nations Recommendations on the Transport of Dangerous Goods. Section 173.2 is revised to list the various hazard classes, by class or division number and name, and to provide an index to the hazard class definitions appearing throughout this Part. This section also removed all references to "ORM-E" materials. Sections 173.4 and 173.5 were revised to conform to U.N. terminology and to include both U.S. standard and metric system measurements. Section 171.8 was modified to amend some of the definitions of terms used in the regulations and add others necessitated by the new requirements. The requirements for packaging of hazardous wastes were revised in Section 173.12. The standard requirements for all packages were revised and expanded into three sections as follows: 1) Section 173.24 general requirements applicable to all packages; 2) Section 173.24a requirements unique to non-bulk packages and 3) Section 173.24b requirements unique to bulk packages. Some general marking requirements for specification packages and requirements applying to the construction and composition of packagings were removed from this Section.

Due to the restrictions of 49 CFR 173, the Department proposes to modify Section 173.3000(b)(7) and 173.3000(b)(8) to reflect the new federal references.

Requirements for the reuse, reconditioning, and remanufacture of packagings were reorganized in Section 173.28. Requirements to allow a hazardous material shipping name, identification number, hazard warning label or placard to remain on an empty package that is securely covered while in transportation were revised in Section 173.29. Some requirements for qualifications, maintenance and use of portable tanks were revised and others were added in Section 173.32. Requirements for hazardous materials in cargo tank motor vehicles were revised in Section 173.33. General packaging requirements for poisonous materials required to be packaged in cylinders were added in Section 173.40. Packing groups are assigned for each hazard class and division in subsequent sections.

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Docket HM-142A (January 3, 1991) Amended the regulations by revising the definition of "etiologic agent" and removing the exception found in Section 173.386. Section 173.387 was revised to specify the maximum quantity that may be packed in one package.

Docket 207 (February 28, 1991) Amended the regulations to provide a nonsubstantive change by removing a date which has already passed.

Docket HM-183 (June 17, 1991) Amended the regulations to make corrections and clarify revisions to certain requirements pertaining to cargo tank motor vehicles.

Docket HM-198A (October 2, 1991) Amended the regulations to regulate materials which pose a hazard due to their being offered for transportation or transported at elevated temperatures.

Docket HM-210 (October 28, 1991) Amended the regulations to clarify the compressed gases, the limited quantity and the consumer commodity provisions.

Docket HM-23 (November 12, 1991) Amended the regulations to require regular inspection and periodic requalification of acetylene cylinders.

Docket HM-198A (December 17, 1991) Made a technical correction to the final rule published on October 2, 1991.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

Docket HM-198A (December 31, 1991) Amended the final rule of October 2, 1991 to delay compliance dates for certain provisions.

Docket HM-139H (January 16, 1992) Amended the regulations to include transportation of air bag inflators and air bag modules in the hazardous materials regulations rather than under the exemptions program.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety, 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: March 2, 1992
- B) Types of small businesses affected: Those businesses that offer for shipments or carry hazardous materials by highway.
- C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this part.
- D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of these Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
CHAPTER I: DEPARTMENT OF TRANSPORTATION
SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 173

SHIPPERS GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

Section
173.2000 General
173.3000 Incorporation by Reference of 49 CFR 173

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 4 Ill. Reg. 30, p. 1244, effective July 10, 1980; amended at 5 Ill. Reg. 1715; effective February 9, 1981; amended at 6 Ill. Reg. 4287, effective April 16, 1982; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 7 Ill. Reg. 3486, effective April 12, 1983; codified at 8 Ill. Reg. 20015; Part repealed, new Part adopted at 10 Ill. Reg. 5885, effective April 1, 1986; amended at 10 Ill. Reg. 20764, effective December 1, 1986; amended at 11 Ill. Reg. 4781, effective March 10, 1987; amended at 11 Ill. Reg. 17898, effective October 20, 1987; amended at 12 Ill. Reg. 8089, effective April 26, 1988; amended at 13 Ill. Reg. 3998, effective March 14, 1989; amended at 14 Ill. Reg. 2640, effective February 1, 1990; amended at 15 Ill. Reg. 7765, effective May 7, 1991; amended at ____ Ill. Reg. ____, effective ____.

Section 173.3000 Incorporation by Reference of 49 CFR 173

- a) As Part 173 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 173 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1990; as amended at 55 FR 53402, December 21, 1990; as amended at 56 FR 197, January 3, 1991; as amended at 56 FR 7312, February 22, 1991; as amended at 56 FR 8616, February 28, 1991; as amended at 56 FR 27872, June 17, 1991; as amended at 56 FR 44980, October 2, 1991; as amended at 56 FR 55471, October 28, 1991; as amended at 56 FR 57560, November 12, 1991; as amended at 56 FR 65541, December 17, 1991; as amended at 56 FR 66124, December 20, 1991; as amended at 56 FR 67542, December 31, 1991; as amended at 57 FR 1874, January 16, 1992, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of 49 CFR 173 are incorporated.

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- b) The following interpretations of, additions to and deletions from 49 CFR 173 shall apply for purposes of this Part 173 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 173 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176 or to sections therein shall be read to refer to those Parts or sections in the federal hazardous materials transportation regulations.
- 5) All references to shipment of hazardous materials by air, water and rail are incorporated for reference purposes only for those persons contemplating intermodal movements of hazardous materials.
- 6) Section 173.24(c)(1)(vi) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

The markings in this section are not required for a surface moisture-density gauge transported as Radioactive Materials, Special Form, N.O.S., when accompanied by a shipping paper which contains (or is accompanied by) a signed statement or certification from the manufacturer of the gauge attesting that the gauge construction complies with all package specifications set forth in Section 173.415 and 173.416, except those that pertain to marking.

- 7) Section 173.150(g)(1)(ii)(A) is added to the Illinois Hazardous Materials Transportation Regulations and reads as follows:

~~The specifications in this Section do not apply to~~
Gasoline being transported in a packaging having

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of Part: Shipping Container Specifications

2) Code Citation: 92 Ill. Adm. Code 178

3) Section Numbers: Proposed Action:

178.336.1.1 Amendment
178.336.1.5 Amendment
178.2000 Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 700-4(a) and 700-9(a)

5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendments, the Department proposes to update the date of incorporation by reference of 49 CFR 178 as of October 1, 1990, and include those final rules issued by the United States Department of Transportation on December 21, 1990; June 17, 1991; September 11, 1991 and December 20, 1991. In its December 21, 1990 rulemaking, US DOT modified 49 CFR 178 by changing the title from "Shipping Container Specifications" to "Specification for Packagings." The Department proposes to change the title of 92 Ill. Adm. Code 178 for consistency. Other changes made in the Notice at 55 FR 52402 were the removal of Subparts F and G of 49 CFR 178 and the addition of Subparts L and M.

The Department also proposes to incorporate by reference, as separate items, 49 CFR 178.340, 178.341, 178.342 and 178.343 as those sections existed on October 1, 1989. This rulemaking also proposes changes to Sections 178.336.1.1 and 178.336.1.5. As currently constructed, these sections make reference to portions of 49 CFR 178 that are deleted by the December 21, 1990 rulemaking. While there is no proposed change to the requirements, the Department proposes to include the regulatory language previously identified only by cross-reference.

A review of the federal regulations adopted since October 1, 1990, to the proposed date of incorporation by reference, indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making substantive changes in the Department's regulations to bring Part 178 in line with the federal regulations.

By proposing this rulemaking, the Department's regulations will incorporate changes made to 49 CFR 178 by US DOT in rulemaking Docket:

HM-181 [55 FR 52402 (December 21, 1990)]
HM-183 [56 FR 27872 (June 17 1991)]
HM-183 [56 FR 46354 (September 11, 1991)]
HM-181 [56 FR 66124 (December 20, 1991)]

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a rated capacity of 110 gallons or less, which is in the shipment is in compliance with the rules of the Office of the State Fire Marshal, 41 Ill. Adm. Code 170.15(c). In addition, these shipments are is not subject to Subchapter c of these regulations except for those Sections referenced in 41 Ill. Adm. Code 170.15(c).

8) Section 173.315(a)(1) Note 17 is deleted from the federal regulations and a new Section 173.315(a)(1) Note 17 is added to the Illinois regulations to read as follows: Specifications MC 330 and MC 331 cargo tanks, with a design service pressure of 250 p.s.i.g., built in compliance with the Federal ICC or Federal DOT regulations at the time of manufacture, which meet all other design and testing requirements specified by Part 180 Section 177-824 for cargo tanks in anhydrous ammonia service, and which have been in anhydrous ammonia service in Illinois before February 1, 1979, may continue to be used in such service. No cargo tank that has not been in anhydrous ammonia service in Illinois before February 1, 1979, may be placed in such service in Illinois after that date unless it meets all requirements of the specification, including a minimum design service pressure of 265 p.s.i.g.

9) Section 173.315(k) in 49 CFR is deleted and not incorporated.

10) Any changes to 49 CFR 173 made effective by U.S. DOT Rulemaking Docket HM-187 [49 FR 21933 (May 24, 1984)] covering small arms ammunition are not incorporated.

(Source: Amended at Ill. Reg. _____, effective _____)

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Docket HM-181 (December 21, 1990) Amended the regulations by removing specifications for non-bulk packages and replacing these provisions with requirements for testing packages. These tests, based on United Nations Performance Oriented Packaging Standards, will become the criteria for a package used to transport hazardous materials.

This docket amended the regulations by adding 49 CFR 178, Subpart L that establishes requirements for marking non-bulk packages and 49 CFR 178, Subpart M that establishes testing requirements.

Docket HM-183 (June 17, 1991) Amended the regulations to make corrections and clarify revisions to certain requirements pertaining to cargo tank motor vehicles.

Docket HM-183 (September 11, 1991) Made a technical correction to final rule published on June 17, 1991.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-9212
(217) 785-3064

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By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to D.C.C.A.: March 2, 1992
- B) Types of small businesses affected: Those businesses that offer for shipments or carry hazardous materials by highway.
- C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.
- D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of these Proposed Amendments begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION

CHAPTER I: DEPARTMENT OF TRANSPORTATION

SUBCHAPTER C: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 178

SHIPPING-CONTAINER-SPECIFICATIONS
SPECIFICATIONS FOR PACKAGINGSSection
178.321

Specification MC 300; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, or Combination of Mild Steel with High Tensile Steel, or Stainless Steel, Primarily for the Transportation of Flammable Liquids or Poisonous Liquids, Class B

178.321.0.1
178.321.0.2
178.321.0.3
178.321.0.4
178.321.0.5
178.321.0.6
178.321.0.7
178.321.0.8
178.321.0.9
178.321.1.0
178.321.1.1
178.321.1.2
178.321.1.3
178.321.1.4
178.321.1.5
178.321.1.6
178.321.1.7
178.321.1.8
178.322

[178.321-1] General Requirements
[178.321-2] Material
[178.321-3] Thickness
[178.321-4] Joints
[178.321-5] Bulkheads, Baffles, and Ring Stiffeners
[178.321-6] Closures for Manholes
[178.321-7] Overturn Protection
[178.321-8] Outlets
[178.321-9] Vents, Valves, and Connections
[178.321-10] Protection of Fittings
[178.321-11] Emergency Discharge Control
[178.321-12] Shear Section
[178.321-13] Anchoring of Tank
[178.321-14] Gauging Devices
[178.321-15] Pumps
[178.321-16] Testing Requirements
[178.321-17] Marking of Cargo Tanks
[178.321-18] Certification

Specification MC 301; Cargo Tanks Constructed of Welded Aluminum Alloy (Grade 3S), To Be Mounted On and To Form Part Of Tank Motor Vehicles for Transportation of Flammable Liquids, and Poisonous Liquids, Class B

178.322.0.1
178.322.0.3
178.322.0.5
178.322.0.9
178.322.1.1
178.322.1.2
178.322.1.3
178.322.1.4
178.322.1.7

[178.322-1] General Requirements
[178.322-3] Certification
[178.322-5] Marking of Cargo Tanks
[178.322-9] Testing Requirements
[178.322-11] Material
[178.322-12] Thickness of Sheets and Ring Stiffeners
[178.322-13] Tolerance
[178.322-14] Joints
[178.322-17] Tank Outlets

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178.322.1.8
178.322.1.9
178.322.2.0
178.322.2.1
178.322.2.2
178.322.2.3
178.322.2.4
178.323

[178.322-18] Bulkheads, Baffles, and Ring Stiffeners
[178.322-19] Tank Vents
[178.322-20] Valve and Faucet Connections
[178.322-21] Emergency Discharge Control
[178.322-22] Shear Section
[178.322-23] Protection of Valves and Faucets
[178.322-24] Overturn Protection
Specification MC 302; Cargo Tanks Constructed of Welded Aluminum Alloy (ASTM B209-57T), Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

178.323.0.1
178.323.0.2
178.323.0.3
178.323.0.4
178.323.0.5
178.323.0.6
178.323.0.7
178.323.0.8
178.323.0.9
178.323.1.0
178.323.1.1
178.323.1.2
178.323.1.3
178.323.1.4
178.323.1.5
178.323.1.6
178.323.1.7
178.323.1.8
178.324

[178.323-1] General Requirements
[178.323-2] Material
[178.323-3] Thickness of Metal
[178.323-4] Joints
[178.323-5] Bulkheads, Baffles, and Ring Stiffeners
[178.323-6] Closures for Manholes
[178.323-7] Overturn Protection
[178.323-8] Tank Outlets
[178.323-9] Vents, Valves, and Connections
[178.323-10] Protection of Fittings
[178.323-11] Emergency Discharge Control
[178.323-12] Shear Section
[178.323-13] Anchoring of Tank
[178.323-14] Gauging Devices
[178.323-15] Pumps
[178.323-16] Testing Requirements
[178.323-17] Marking of Cargo Tanks
[178.323-18] Certification

Specification MC 303; Cargo Tanks Constructed of Welded Ferrous Alloy (High-Tensile Steel), or Stainless Steel, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B

[178.324-1] General Requirements
[178.324-2] Material
[178.324-3] Thickness of Metal
[178.324-4] Joints
[178.324-5] Bulkheads, Baffles, and Ring Stiffeners
[178.324-6] Closures for Manholes
[178.324-7] Overturn Protection
[178.324-8] Outlets
[178.324-9] Vents, Valves, and Connections
[178.324-10] Protection of Fittings
[178.324-11] Emergency Discharge Control
[178.324-12] Shear Section
[178.324-13] Anchoring of Tank

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178.326.1.3	[178.326-13] Anchoring of Cargo Tank
178.326.1.4	[178.326-14] Gauging Devices
178.326.1.5	[178.326-15] Pumps
178.326.1.6	[178.326-16] Testing Requirements
178.326.1.7	[178.326-17] Marking of Cargo Tanks
178.326.1.8	[178.326-18] Certification
178.330	Specification MC 310; Cargo Tanks Constructed of Ferrous Materials, Primarily For the Transportation of Corrosive Liquids
178.330.0.1	[178.330-1] General Requirements
178.330.0.2	[178.330-2] Material
178.330.0.3	[178.330-3] Thickness of Metal
178.330.0.4	[178.330-4] Joints
178.330.0.5	[178.330-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and Compartmentation
178.330.0.6	[178.330-6] Closures for Manholes
178.330.0.7	[178.330-7] Overturn Protection
178.330.0.8	[178.330-8] Outlets
178.330.0.9	[178.330-9] Vents, Valves, and Connections
178.330.1.0	[178.330-10] Protection of Fittings
178.330.1.1	[178.330-11] Emergency Discharge Control
178.330.1.2	[178.330-12] Shear Section
178.330.1.3	[178.330-13] Anchoring of Cargo Tank
178.330.1.4	[178.330-14] Gauging Devices
178.330.1.5	[178.330-15] Pumps and Compressors
178.330.1.6	[178.330-16] Testing Requirements
178.330.1.7	[178.330-17] Marking of Cargo Tanks
178.330.1.8	[178.330-18] Certification
178.331	Specification MC 311; Cargo Tanks Constructed of Ferrous Metals or Aluminum, Primarily for the Transportation of Corrosive Liquids
178.331.0.1	[178.331-1] General Requirements
178.331.0.2	[178.331-2] Material
178.331.0.3	[178.331-3] Thickness of Metal
178.331.0.4	[178.331-4] Joints
178.331.0.5	[178.331-5] Bulkheads, Baffles, and Ring Stiffeners, Tank Supports, and Compartmentation
178.331.0.6	[178.331-6] Closures for Manholes
178.331.0.7	[178.331-7] Overturn Protection
178.331.0.8	[178.331-8] Outlets
178.331.0.9	[178.331-9] Vents, Valves, and Connections
178.331.1.0	[178.331-10] Protection of Fittings
178.331.1.1	[178.331-11] Emergency Discharge Control
178.331.1.2	[178.331-12] Shear Section
178.331.1.3	[178.331-13] Anchoring of Cargo Tank
178.331.1.4	[178.331-14] Gauging Devices

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178.324.1.4	[178.324-14] Gauging Devices
178.324.1.5	[178.324-15] Pumps
178.324.1.6	[178.324-16] Testing Requirements
178.324.1.7	[178.324-17] Marking of Cargo Tanks
178.324.1.8	[178.324-18] Certification
178.325	Specification MC 304; Cargo Tanks Constructed of Mild (Open Hearth or Blue Annealed) Steel, Welded Ferrous Alloy (High-Tensile) Steel, or Aluminum, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B, Having Reid (ASTM D-323) Vapor Pressures of 18 PSIA or More at 100 degrees F., Bug Less Than Those Stated in 92 Ill. Adm. Code 173.300, In Defining Compressed Gases
178.325.0.1	[178.325-1] General Requirements
178.325.0.2	[178.325-2] Material
178.325.0.3	[178.325-3] Thickness of Metal
178.325.0.4	[178.325-4] Joints
178.325.0.5	[178.325-5] Bulkheads, Baffles, and Ring Stiffeners
178.325.0.6	[178.325-6] Closures for Manholes
178.325.0.7	[178.325-7] Overturn Protection
178.325.0.8	[178.325-8] Tank Outlets
178.325.0.9	[178.325-9] Safety Relief Devices, Valves, and Connections
178.325.1.0	[178.325-10] Protection of Fittings
178.325.1.1	[178.325-11] Emergency Discharge Control
178.325.1.2	[178.325-12] Shear Section
178.325.1.3	[178.325-13] Anchoring of Cargo Tank
178.325.1.4	[178.325-14] Gauging Devices
178.325.1.5	[178.325-15] Pumps
178.325.1.6	[178.325-16] Testing Requirements
178.325.1.7	[178.325-17] Marking of Cargo Tanks
178.325.1.8	[178.325-18] Certification
178.326	Specification MC 305; Cargo Tanks Constructed of Aluminum Alloys for High-Strength Welded Construction, Primarily For the Transportation of Flammable Liquids, or Poisonous Liquids, Class B
178.326.0.1	[178.326-1] General Requirements
178.326.0.2	[178.326-2] Material
178.326.0.3	[178.326-3] Thickness of Sheets
178.326.0.4	[178.326-4] Joints
178.326.0.5	[178.326-5] Bulkheads, Baffles, and Ring Stiffeners
178.326.0.6	[178.326-6] Closures for Manholes
178.326.0.7	[178.326-7] Overturn Protection
178.326.0.8	[178.326-8] Tank Outlets
178.326.0.9	[178.326-9] Vents, Valves, and Connections
178.326.1.0	[178.326-10] Protection of Fittings
178.326.1.1	[178.326-11] Emergency Discharge Control
178.326.1.2	[178.326-12] Shear Section

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178.331.1.5	[178.331-15] Pumps and Compressors
178.331.1.6	[178.331-16] Testing Requirements
178.331.1.7	[178.331-17] Marking of Cargo Tanks
178.331.1.8	[178.331-18] Certification
178.336	Specification MC 330; Cargo Tanks Constructed of Steel, Primarily for Transportation of Compressed Gases
178.336.0.1	[178.336-1] General Requirements
178.336.0.2	[178.336-2] Material
178.336.0.3	[178.336-3] Thickness of Metal
178.336.0.4	[178.336-4] Joints
178.336.0.5	[178.336-5] Bulkheads, Baffles, and Ring Stiffeners
178.336.0.6	[178.336-6] Closures for Manholes
178.336.0.7	[178.336-7] Overtown Protection
178.336.0.8	[178.336-8] Outlets
178.336.0.9	[178.336-9] Safety Relief Devices, Valves, and Connections
178.336.1.0	[178.336-10] Protection of Fittings
178.336.1.1	[178.336-11] Emergency Discharge Control
178.336.1.2	[178.336-12] Shear Section
178.336.1.3	[178.336-13] Anchoring of Cargo Tank
178.336.1.4	[178.336-14] Gauging Devices
178.336.1.5	[178.336-15] Pumps and Compressors
178.336.1.6	[178.336-16] Testing Requirements
178.336.1.7	[178.336-17] Marking of Cargo Tanks
178.336.1.8	[178.336-18] Certification
178.337	Specification MC 331; Cargo Tanks Constructed of Steel, Primarily For Transportation of Compressed Gases, As Defined in the Compressed Gas Section (Repealed)
178.337.0.1	[178.337-1] General Requirements (Repealed)
178.337.0.2	[178.337-2] Material (Repealed)
178.337.0.3	[178.337-3] Thickness of Tank Metal (Repealed)
178.337.0.4	[178.337-4] Joints (Repealed)
178.337.0.5	[178.337-5] Bulkheads, Baffles, and Ring Stiffeners (Repealed)
178.337.0.6	[178.337-6] Closures for Manholes (Repealed)
178.337.0.7	[178.337-7] Overtown Protection (Repealed)
178.337.0.8	[178.337-8] Outlets (Repealed)
178.337.0.9	[178.337-9] Safety Relief Devices, Valves, and Connections (Repealed)
178.337.1.0	[178.337-10] Protection of Fittings (Repealed)
178.337.1.1	[178.337-11] Emergency Discharge Control (Repealed)
178.337.1.2	[178.337-12] Shear Section (Repealed)
178.337.1.3	[178.337-13] Supporting and Anchoring (Repealed)
178.337.1.4	[178.337-14] Gauging Devices (Repealed)
178.337.1.5	[178.337-15] Pumps and Compressors (Repealed)
178.337.1.6	[178.337-16] Testing (Repealed)
178.337.1.7	[178.337-17] Marking (Repealed)

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178.337.1.8	[178.337-18] Certification (Repealed)
178.340	General Design and Construction Requirements Applicable to Specification MC 306 (Section 178.341), MC 307 (Section 178.342), and MC 312 (Section 178.343) Cargo Tanks (Repealed)
178.340.0.1	[178.340-1] Specification Requirements for MC 306, MC 307, and MC 312 Cargo Tanks (Repealed)
178.340.0.2	[178.340-2] General Requirements (Repealed)
178.340.0.3	[178.340-3] Material (Repealed)
178.340.0.4	[178.340-4] Structural Integrity (Repealed)
178.340.0.5	[178.340-5] Joints (Repealed)
178.340.0.6	[178.340-6] Supports and Anchoring (Repealed)
178.340.0.7	[178.340-7] Circumferential Reinforcements (Repealed)
178.340.0.8	[178.340-8] Accident Damage Protection (Repealed)
178.340.0.9	[178.340-9] Pumps (Repealed)
178.340.1.0	[178.340-10] Certification (Repealed)
178.341	Specification MC 306; Cargo Tanks (Repealed)
178.341.0.1	[178.341-1] General Requirements (Repealed)
178.341.0.2	[178.341-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
178.341.0.3	[178.341-3] Closures for Fill Openings and Manholes (Repealed)
178.341.0.4	[178.341-4] Vents (Repealed)
178.341.0.5	[178.341-5] Emergency Flow Control (Repealed)
178.341.0.6	[178.341-6] Gauging Devices (Repealed)
178.341.0.7	[178.341-7] Method of Test (Repealed)
178.342	Specification MC 307; Cargo Tanks (Repealed)
178.342.0.1	[178.342-1] General Requirements (Repealed)
178.342.0.2	[178.342-2] Thickness of Shells, Heads, Bulkheads, and Baffles (Repealed)
178.342.0.3	[178.342-3] Closures for Fill Openings and Manholes (Repealed)
178.342.0.4	[178.342-4] Vents (Repealed)
178.342.0.5	[178.342-5] Emergency Flow Control (Repealed)
178.342.0.6	[178.342-6] Gauging Devices (Repealed)
178.342.0.7	[178.342-7] Method of Test (Repealed)
178.343	Specification MC 312; Cargo Tanks (Repealed)
178.343.0.1	[178.343-1] General Requirements (Repealed)
178.343.0.2	[178.343-2] Thickness of Shell, Heads, Bulkheads, and Baffles of Non-Asme Code Tanks (Repealed)
178.343.0.3	[178.343-3] Closures for Manholes (Repealed)
178.343.0.4	[178.343-4] Vents (Repealed)
178.343.0.5	[178.343-5] Outlets (Repealed)
178.343.0.6	[178.343-6] Gauging Devices (Repealed)
178.343.0.7	[178.343-7] Method of Test (Repealed)
178.350	Specification 7A; General Packaging, Type A (Repealed)

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178.350-0.1 General Requirements (Repealed)
 178.350-0.2 Specific Requirements (Repealed)
 178.350-0.3 Marking (Repealed)
 178.1000 General
 178.2000 Incorporation by Reference of 49 CFR 178

APPENDIX C Tensile Speciment

APPENDIX D Material Thickness (Repealed)

TABLE A Minimum Thickness of Heads, Bulkheads, and Baffles (Repealed)

TABLE B Minimum Thickness of Shell Sheets (Repealed)

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 5 Ill. Reg. 1715, effective February 9, 1981; amended at 6 Ill. Reg. 10036, effective August 2, 1982; amended at 8 Ill. Reg. 19640, effective October 1, 1984; codified at 8 Ill. Reg. 20047; amended at 8 Ill. Reg. 20064, effective October 1, 1984; amended at 10 Ill. Reg. 5897, effective April 1, 1986; amended at 10 Ill. Reg. 20770, effective December 1, 1986; amended at 11 Ill. Reg. 4786, effective March 10, 1987; amended at 11 Ill. Reg. 17904, effective October 20, 1987; amended at 12 Ill. Reg. 8093, effective April 26, 1988; amended at 13 Ill. Reg. 4004, effective March 14, 1989; amended at 14 Ill. Reg. 2651, effective February 1, 1990; amended at 15 Ill. Reg. 7771, effective May 7, 1991; amended at _____ Ill. Reg. _____, effective _____.

AGENCY NOTE: In reading this Part it is necessary to read Sections 178.1000 and 179.2000 prior to reading the remaining Section in numerical order.

Section 178.336.1.1 [178.336-11] Emergency Discharge Control

- a) Excess-flow valves must be installed and operate in accordance with 92-III-Adm-Code-173-33(h). Each outlet of cargo tanks used for the transportation of liquefied compressed gases, except carbon dioxide, refrigerated liquid shall be provided with an approved suitable automatic excess flow valve or in lieu thereof may be fitted with an approved automatic quick-closing internal valve. These valves shall be located inside the tank or at a point outside the tank where the line enters or leaves the tank. The valve seat shall be located within a welded flange or its companion flange, or within a nozzle, or within a coupling. The installation shall be made in such a manner as reasonably to assure that any undue strain which causes failure requiring functioning of the valve shall cause failure in such a manner that it will not impair the operation of the valve.

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- b) Exception: Any liquid level gauging device which is constructed so that the outward flow of tank contents does not exceed that passed by a 0.060-inch diameter opening, or any safety device connection, is not required to be equipped with an excess-flow valve.

- b)c) Shut-off valves must be installed and operate in accordance with 92-III-Adm-Code-173-33(h)(3). Each filling and discharge line must be provided with a manual shut-off valve located as close to the tank as practicable. However, when an internal shut-off valve that closes automatically is used, a manual shut-off valve must be located in the line ahead of the hose connection. The use of a so-called "stop-check" or excess flow valve to satisfy the requirements of this rule and of paragraph a) of this section with one valve is prohibited except as provided in 49 CFR 178.337-II(c).

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 178.336.1.5 [178.336-15] Pumps and Compressors

Pumps and compressors shall be as prescribed in 92-III-Adm-Code-173-33(f)(6). Liquid pumps or gas compressors wherever used, must be of suitable design adequately protected against breakage by collisions, and kept in good condition. They may be driven by motor vehicle power takeoff or other mechanical, electrical, or hydraulic means. Unless they are of the centrifugal type, they shall be equipped with suitable pressure actuated by-pass valve permitting flow from discharge to suction or to the tank.

(Source: Amended at _____ Ill. Reg. _____, effective _____)

Section 178.2000 Incorporation By Reference of 49 CFR 178

- a) As Part 178 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates 49 CFR 178 by reference, as that Part of the federal hazardous materials transportation regulations was in effect on October 1, 1990; as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 27872, June 17, 1991; as amended at 56 FR 46354, September 11, 1991; as amended at 56 FR 66124, December 20, 1991, subject only to the exceptions in subsection (f) of this Section. No later amendments to or editions of 49 CFR 178 are incorporated.

- b) As Section 178.340 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.340 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

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- 1) Heading of Part: Specifications for Tank Cars
- 2) Code Citation: 92 Ill. Adm. Code 179
- 3) Section Numbers: Proposed Action:
179.2000 Amendment
- 4) Statutory Authority: Ill. Rev. Stat. ch. 95 1/2, pars. 700-4(a) and 700-9(a)
- 5) A complete description of the subjects and issues involved: By this Notice of Proposed Amendment, the Department proposes to update the date of incorporation by reference of 49 CFR 179 as of October 1, 1990 and include those final rules adopted on December 21, 1990 and December 20, 1991.

A review of the federal regulations adopted since October 1, 1990, to the proposed dates of incorporation by reference indicates there are certain changes made by US DOT not reflected in the Department's regulations. This rulemaking does have the effect of making substantive changes in the Department's regulations to bring Part 179 in line with the federal regulations. The following is a summary of the changes in US DOT regulations which are included in this proposed rulemaking.

By proposing this rulemaking, the Department's regulations will incorporate changes made to Part 179 by US DOT in rulemaking Docket:

HM-181 [55 FR 52402 (December 21, 1990)]
HM-181 [56 FR 66124 (December 20, 1991)]

Docket HM-181 (December 21, 1990) Amended the regulations by making changes to the Hazardous Materials Regulation with regard to the format of the regulations, the classification of materials, the hazard communication provisions and the packaging requirements. However, Part 179, containing the specifications for tank cars, received only minor revision in this rulemaking. Among those changes, special commodity requirements for multi-unit tank car tanks, Section 179.302, was removed.

Docket HM-181 (December 20, 1991) Amended the final rule of December 21, 1990 to make further changes in response to petitions for reconsideration received to the final rule.

- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No

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- c) As Section 178.341 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.341 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- d) As Section 178.342 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.342 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.
- e) As Section 178.343 of the Illinois Hazardous Materials Transportation Regulations, the Department hereby incorporates 49 CFR 178.343 as that section of the federal hazardous materials transportation regulations was in effect on October 1, 1989.

b)f) The following interpretations of, additions to and deletions from the 49 CFR 178 shall apply for purposes of this Part 178 of the Illinois Hazardous Materials Transportation Regulations.

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 178 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations.
- 4) All references to Parts 174, 175 or 176, or to sections therein shall be read to refer to those Parts of sections in the federal hazardous materials transportation regulations.

(Source: Amended at ___ Ill. Reg. ___, effective _____)

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8) Does this proposed rule (amendment, repealer) contain incorporations by reference? Yes. These conform to Section 6.02(a) of the Illinois Administrative Procedure Act.

9) Are there any other amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: Rules do not affect units of local government.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

By U.S. Mail:

Ms. Mary Roseberry
Regulations Unit
Illinois Department of Transportation
Division of Traffic Safety
P. O. Box 19212
Springfield, Illinois 62794-3212
(217) 785-3064

By Messenger or Inter-Agency Mail:

DOT Annex Building
3215 Executive Park Drive
Commercial Vehicle Safety; 3rd Floor
Springfield

Comments received within thirty days of the date of publication of this Illinois Register will be considered. Comments received after that time will be considered, time permitting.

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to D.C.C.A.: March 2, 1992

B) Types of small businesses affected: Those businesses that offer shipments or carry hazardous materials by highway.

C) Reporting, bookkeeping or other procedures required for compliance: No new or additional reporting requirements are required for compliance with this Part.

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D) Types of professional skills necessary for compliance: No new or additional professional skills are required for compliance with this Part.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF TRANSPORTATION

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 92: TRANSPORTATION
 CHAPTER 1: DEPARTMENT OF TRANSPORTATION
 SUBCHAPTER c: HAZARDOUS MATERIALS TRANSPORTATION REGULATIONS

PART 179
 SPECIFICATIONS FOR TANK CARS

Section

179.1000 General
 179.2000 Incorporation By Reference of 49 CFR 179

AUTHORITY: Implementing Section 4(a) and authorized by Section 9(a) of the Illinois Hazardous Materials Transportation Act (Ill. Rev. Stat. 1989, ch. 95 1/2, pars. 700-4(a) and 700-9(a)).

SOURCE: Adopted at 3 Ill. Reg. 5, p. A1, effective February 1, 1979; amended at 6 Ill. Reg. 4287, effective April 16, 1982; old rules repealed, new rules adopted and codified at 8 Ill. Reg. 19677, effective October 1, 1984; amended at 10 Ill. Reg. 5909, effective April 1, 1986; amended at 10 Ill. Reg. 20824, effective December 1, 1986; amended at 11 Ill. Reg. 4796, effective March 10, 1987; amended at 11 Ill. Reg. 17915, effective October 20, 1987; amended at 12 Ill. Reg. 8102, effective April 26, 1988; amended at 15 Ill. Reg. 7781, effective May 7, 1991; amended at 111. Reg. _____, effective _____.

Section 179.2000 Incorporation By Reference of 49 CFR 179

- a) As Part 179 of the Illinois Hazardous Materials Transportation Regulations the Department incorporates the following sections of 49 CFR 179 by reference, as those sections of the federal hazardous materials transportation regulations were in effect on October 1, 1990; and as amended at 55 FR 52402, December 21, 1990; as amended at 56 FR 66124, December 20, 1991, subject only to the exceptions in subsection (b) of this Section. No later amendments to or editions of those sections of 49 CFR 179 of the federal regulations are incorporated.

179.1 General
 179.2 Definitions and abbreviations
 179.5 Certificate of Construction
 179.6 Repairs and alterations
 179.10 Tank mounting
 179.11 Welding certification
 179.12 Interior heater systems

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NOTICE OF PROPOSED AMENDMENT(S)

179.300 General specifications applicable to multi-unit tank car tanks designed to be removed from car structure for filling and emptying (classes DOT-106A and 110AW).
 179.301 Individual specification requirements for multi-unit tank car tanks.
 179.302 ~~Special-commodity-requirements-for-multi-unit tank-car-tanks:~~

b) The following interpretations of, additions to and deletions from the above incorporated sections of 49 CFR 179 shall apply for purposes of this Part 179 of the Illinois Hazardous Materials Transportation Regulations:

- 1) All references to "this part" in the incorporated federal regulations shall mean Part 179 of the Illinois Hazardous Materials Transportation Regulations.
- 2) All references to "this chapter" or "this subchapter" in the incorporated federal regulations shall mean 92 Ill. Adm. Code: Chapter I, Subchapter c.
- 3) All references to a section of the regulations in the incorporated federal regulations shall be read to refer to that Section in the Illinois Hazardous Materials Transportation Regulations except references to 179.3 shall mean 49 CFR 179.3.
- 4) 49 CFR 179.2(a)(4) is deleted and replaced by the following: "'DOT' means the U.S. Department of Transportation and 'Department' means the Illinois Department of Transportation."

(Source: Amended at 111. Reg. _____, effective _____)

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Organizational Chart, Description, Rulemaking Procedure, and Programs
- 2) Code Citation: 2 Ill. Adm. Code 700
- 3)

<u>Section Numbers:</u>	<u>Adopted Action:</u>
700.10	Amended
700.20	Amended
700.30	Amended
700.35	New Section
700.40	Amended
700.50	Amended
700.60	Amended
700.70	Amended
700.100	Amended
700.130	Amended
700.140	Amended
- 4) Statutory Authority: The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01)
- 5) Effective Date of Amendments: February 28, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this proposed amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 21, 1992
- 9) Notices of Proposal Published in Illinois Register: Since this is internal rulemaking, no notice of proposed rulemaking appeared in the Illinois Register.
- 10) Has JCAR issued a Statement of Objections to these rules?
No
- 11) Differences between proposal and final version: None.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR?
There was no agreement letter as this is internal rulemaking.
- 13) Will these amendments replace an emergency amendment in effect? No
- 14) Are there any amendments pending on this Part? No

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- 15) Summary and Purpose of Amendments: The Illinois Administrative Procedure Act requires state agencies to file as internal rules, a description of the agency and the programs it administers in order to assist the public in locating programs that effect them.

The Director has reorganized the agency and the amendments indicate the changes that have occurred. The Division of Administrative Services has been eliminated and the functions previously performed by that division have been transferred to the Offices of the Director and Assistant Director. The Bureau of Buildings and Grounds was transferred to the Division of Fairs and Horse Racing.

The publication of the "Agscene," which was a monthly report of agency activities was eliminated due to budget constraints.

The functions in the Bureaus of Compliance and Enforcement and Meat Inspection have been transferred to a newly created Division of Consumer Services. Further, several programs dealing with consumer protection have been transferred from the former Division of Plant Industries and Consumer Services to the new Division of Consumer Services.

The Apiary Section was transferred from the Division of Plant Industries and Consumer Services to the Division of Animal Industries. The trichinosis control program is no longer active so reference to it is being deleted.

Changes that have occurred on the federal level in the issuing of agricultural statistic reports are noted in the Division of Marketing and Promotion. Transportation reports are no longer issued.

The functions of the two bureaus in the newly named Division of Agricultural Industry Regulation are outlined.

A new Bureau of Environmental Programs is created in the Division of Natural Resources and the functions of that bureau are outlined. These functions were previously in the Division of Plant Industries and Consumer Services.

The statutes that the Department administers are its programs and changes have been made in Section 700.140 to show the public which divisions are administering that program. Further, several new Acts have been added to those administered by the agency. The Bull Lessors Act has been repealed, and it is being deleted.

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NOTICE OF ADOPTED AMENDMENTS

Further, language changes have been made throughout the rules for clarity purposes and corrections made to addresses and phone numbers.

16) Information and questions regarding this adopted amendment

shall be directed to:

Name: Judith Lozier

Address: Division of Administrative Services
Illinois Department of Agriculture
State Fairgrounds, Springfield,
Illinois 62794-9281

Telephone: 217/785-0112

The full text of Adopted Amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 2: GOVERNMENTAL ORGANIZATION
SUBTITLE D: CODE DEPARTMENTS
CHAPTER I: DEPARTMENT OF AGRICULTURE

PART 700

ORGANIZATIONAL CHART, DESCRIPTION, RULEMAKING PROCEDURE, AND PROGRAMS

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section

700.10	Scope of the Department of Agriculture	
700.20	Office of the Assistant Director	Division of
	Administrative Services	
700.30	Division of Animal Industries	
700.35	Division of Consumer Services	
700.40	Division of Marketing and Promotion	
700.50	Division of Agricultural Industry Regulation	
	Plant Industries and Consumer Services	
700.60	Division of Fairs and Horse Racing	
700.70	Division of Natural Resources	
700.80	Statutorily Established Advisory Boards and Committees	

SUBPART B: ORGANIZATIONAL CHART

Section

700.100	Illinois Department of Agriculture Organization Chart
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SUBPART C: REQUEST FOR INFORMATION

Section

700.110	Information About Programs, Activities, Laws and Rules
700.120	Information On Employment

SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY THE DEPARTMENT OF AGRICULTURE

Section

700.130	Code Indicating Administrative Enforcement
700.140	Statutes Administered by the Department of Agriculture

SUBPART E: RULES AND REGULATIONS
DEPARTMENT OF AGRICULTURE

Section

700.150	Rules and Regulations Promulgated by the Department of Agriculture
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SUBPART F: PROVISIONS AND PROCEDURES GOVERNING THE

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PROMULGATION OF RULES AND REGULATIONS

- Section
700.160 General, Emergency, and Peremptory Rules; Internal Rules (Agency's Organization, Description and Rule-making Procedures)
700.170 Public Participation and Comments
700.180 Consideration of Rules by Advisory Boards
700.190 Public Comment Period; Submission of Written Comments; Extending the Public Comment Period
700.200 Public Hearing Procedure
700.210 Director's Decision
700.220 Second Review Period; Final Disposition of Rulemaking Proposal
700.230 Computing Time
700.240 Interested Person May Request Rulemaking

SUBPART G: RULEMAKING FLOW CHARTS

- Section
700.300 General Rulemaking Initiated by Department
700.310 Rulemaking Requested by Advisory Board or Committee
700.320 Emergency or Peremptory Rulemaking by Department
- APPENDIX A Marketing Program for Illinois Apples and Peaches
APPENDIX B Marketing Program for Illinois Corn and Corn Products
APPENDIX C Marketing Program for Illinois Eggs (Repealed)
APPENDIX D Marketing Program for Illinois Soybeans and Soybean Products
APPENDIX E Fertilizer Research and Education Program
APPENDIX F Procedures for Conducting Corn Marketing Program Referendums

AUTHORITY: Implementing and authorized by Section 4.01 of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1004.01); Appendix A implementing and authorized by the Apple and Peach Marketing Act (Ill. Rev. Stat. 1989, ch. 5, pars. 351 et seq.); Appendix B implementing and authorized by the Illinois Corn Marketing Act (Ill. Rev. Stat. 1989, ch. 5, pars. 701 et seq.); Appendix C implementing and authorized by the Egg Market Development Act (Ill. Rev. Stat. 1989, ch. 5, pars. 503 et seq.); Appendix D implementing and authorized by the Soybean Marketing Act (Ill. Rev. Stat. 1989, ch. 5, pars. 551 et seq.). Appendix E implementing and authorized by the Illinois Fertilizer Act of 1961 (Ill. Rev. Stat. 1989, ch. 5, par. 55.6a).

SOURCE: Rules and Regulations Relating to The Administrative Procedure Act, filed December 30, 1977, effective January 15, 1978; amended at 5 Ill. Reg. 10257, effective September 29, 1981,

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codified at 2 Ill. Adm. Code 450 at 5 Ill. Reg. 10255; amended at 5 Ill. Reg. 13418, effective November 24, 1981; amended at 6 Ill. Reg. 11826, effective September 21, 1982; amended at 7 Ill. Reg. 9147, effective July 26, 1983; amended at 8 Ill. Reg. 13124, effective July 12, 1984; amended at 10 Ill. Reg. 13168, effective July 25, 1986. Rules and Regulations Relating to the Procedures for the Establishment of an Apple and Peach Marketing Program, filed and effective March 10, 1972; amended at 4 Ill. Reg. 19, p. 181, and effective April 28, 1980; codified as 8 Ill. Adm. Code 300 at 5 Ill. Reg. 10547; Part repealed at 6 Ill. Reg. 10908, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11154, effective August 31, 1983. Corn Marketing Program adopted at 3 Ill. Reg. 47, p. 72, effective November 9, 1979; codified as 8 Ill. Adm. Code 310 at 5 Ill. Reg. 10549; Part repealed at 6 Ill. Reg. 10909, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 3407, effective March 21, 1983. Rules and Regulations Relating to the Procedures for the Establishment of an Egg Marketing Program, filed January 3, 1973, effective January 13, 1973; codified as 8 Ill. Adm. Code 320 at 5 Ill. Reg. 10551; Part repealed at 6 Ill. Reg. 10915, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11171, effective August 31, 1983. Rules and Regulations Relating to Procedures for the Establishment of a Soybean Marketing Program, filed March 20, 1974, effective April 1, 1974; amended May 2, 1974, effective May 12, 1974; codified as 8 Ill. Adm. Code 330 at 5 Ill. Reg. 10553; Part repealed at 6 Ill. Reg. 10916, effective August 26, 1982; new Part adopted at 7 Ill. Reg. 11189, effective August 31, 1983; 2 Ill. Adm. Code 450 recodified to 2 Ill. Adm. Code 700, 8 Ill. Adm. Code 300 recodified to 2 Ill. Adm. Code 700. Appendix A, 8 Ill. Adm. Code 310 recodified to 2 Ill. Adm. Code 700. Appendix B, 8 Ill. Adm. Code 320 recodified to 2 Ill. Adm. Code 700. Appendix C, and 8 Ill. Adm. Code 330 recodified to 2 Ill. Adm. Code 700. Appendix D at 11 Ill. Reg. 15602, effective September 10, 1987; amended at 11 Ill. Reg. 18605, effective October 28, 1987; amended at 12 Ill. Reg. 6648, effective March 25, 1988; amended at 12 Ill. Reg. 22135, effective December 8, 1988; amended at 13 Ill. Reg. 5066, effective March 31, 1989; amended at 14 Ill. Reg. 584, effective December 27, 1989; amended at 14 Ill. Reg. 4093, effective March 2, 1990; amended at 14 Ill. Reg. 9009, effective May 29, 1990; amended at 14 Ill. Reg. 20586, effective December 14, 1990; amended at 15 Ill. Reg. 6105, effective April 16, 1991; amended at 16 Ill. Reg. _____, effective February 28, 1992.

NOTE: Capitalization denotes statutory language.

SUBPART A: DESCRIPTION OF THE DEPARTMENT OF AGRICULTURE

Section 700.10 Scope of the Department of Agriculture

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a) The Department of Agriculture administers programs which provide assistance to farmers, agricultural and related businesses and associations, regulates industries that serve agriculture, operates a soil and agriculture land protection program, administers animal welfare and disease control programs, administers programs to insure consumer protection in the areas of wholesome and properly identified meat and poultry and meat and poultry products, administers programs designed to protect the public health, safety and welfare and to assure the Illinois citizen that all weighing and measuring devices and labels on prepackaged consumer products, feed, seeds and fertilizers are accurate. The Department administers grant funds in accordance with statutory authority and budgetary provisions and operates the Illinois State Fair and the DuQuoin State Fair and manages both fairgrounds. The Department is separated into six divisions and the Office of the Assistant Director.

b) Administrative functions reporting directly to the Director are:

- 1) Executive and staff assistants perform duties as requested by the Director.
- 2) The auditing staff audits and reports on fiscal matters, as well as program functions.
- 3) The public information section issues news releases, prepares radio programs and arranges press coverage. ~~This section publishes the "Aggene" which is the Department's monthly report of its activities.~~
- 4) The Comptroller's Office processes payrolls, vouchers for expenses incurred and items purchased, and contracts; central deposit of receipts; administers the State's insurance, rural rehabilitation funds, and vehicle accident insurance; manages the inventory of State property; prepares Federal grant applications; and submits and administers the Department's annual budget.
- 5) The Bureau of Personnel advises on personnel-related activities and policies and assures all such procedures are within the parameters of the Personnel Code, Personnel Rules, Classification Plan, Pay Plan, and Collective Bargaining Unit provisions. The Bureau administers the Department's affirmative action, worker's compensation, and employee assistance

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programs.

- 6) The legal staff provides counsel to the Department on all legal matters.
- 7) The legislative staff is responsible for the preparation and presentation of the Department's legislative program and for advising the Governor about bills that affect agriculture.
- 8) The rulemaking staff prepares and adopts rules in accordance with the procedures and requirements of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1001 et seq.) and maintains the official rules of the Department as promulgated under the statutory authority of the Department.

c) Office of the Director:

- 1) Department of Agriculture, Agriculture Building, State Fairgrounds, Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-2172; FAX 217/785-4505.
- 2) Comptroller's Office; Phone 217/782-5687.
- 3) Bureau of Personnel; Phone 217/782-2172.

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992)

Section 700.20 Office of the Assistant Director Division of Administrative Services

- a) The Office of the Assistant Director support staff serve Division of Administrative Services supports all branches of the Department. Functions of the Office division include:
 - 1) The support staff General Office Administrative Staff performs a variety of support functions. They carry out research projects on problems facing the Department or any sector of the agricultural community. Internal management programs are administered through this office, such as, training programs for Department personnel and support for the Director's office.
 - A) The legal staff provides counsel to the

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Department on all legal matters.

B) ~~The legislative staff is responsible for the preparation and presentation of the Department's legislative program and for advising the Governor about bills that affect agriculture.~~

C) ~~The rulemaking staff prepares and adopts rules in accordance with the procedures and requirements of The Illinois Administrative Procedure Act (Ill. Rev. Stat. 1997, ch. 127, par. 1001 et seq.) and maintains the official rules of the Department as promulgated under the statutory authority of the Department.~~

2) ~~The Bureau of Buildings and Grounds is responsible for the management and maintenance of all buildings and grounds, equipment and security under the control of the Department.~~

23) The Bureau of Computer and Printing Services provides data processing, word processing, and printing support services, and mail room shipping and receiving for the entire Department.

b) Address and phone numbers for the Office of Assistant Director ~~Division of Administrative Services:~~

1) Assistant Director ~~Superintendent, Division of Administrative Services~~, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-2172; FAX 217/785-4505.

2) ~~Buildings and Grounds~~, Phone 217/782-0789 (Springfield) and 618/542-9797 (DuQuoin).

23) Computer and Printing Services; Phone 217/785-5705.

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992.)

Section 700.30 Division of Animal Industries

a) The Division of Animal Industries is separated into four ~~six~~ bureaus:

1) The Bureau of Animal Disease -- Centralia, primarily through the practicing veterinarian, provides

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assistance to livestock and companion animal owners experiencing problems relative to animal diseases. Toxicology services are also offered to the general public and local and state government entities. It also provides support for animal disease control and eradication programs and animal welfare programs.

2) The Bureau of Animal Disease Laboratory -- Galesburg, primarily through the practicing veterinarian, provides assistance to livestock and companion animal owners experiencing problems relative to animal diseases. It also provides support for animal disease control and eradication programs and animal welfare programs.

3) The Bureau of Animal Health is responsible for programs related to the movement of livestock, and control or eradication of cattle scabies, swine and bovine brucellosis, bovine tuberculosis, equine infectious anemia, equine viral encephalitis, pullorum-typhoid, mycoplasma gallisepticum, Salmonella enteritidis, mycoplasma synoviae in poultry, pseudorabies and a number of other animal diseases when occurrence of a disease warrants regulatory action. Services include registration of slaughter livestock buyers and brokers, and the licensing of bull lessors, feeder swine dealers, livestock dealers, and livestock auction markets.

4) The Bureau of Animal Welfare is responsible for regulating the retail companion animal industry including animal control and animal welfare. It also administers programs relative to the humane care of animals, dead animal disposal, refrigerated warehouses, the registration of brands, and the sale and use of horse meat.

5) ~~The Bureau of Compliance and Enforcement is responsible for investigating establishments, premises, vehicles, and products subject to Illinois laws and rules pertaining to animal health, livestock disease control, and the slaughter, processing and identification of meat and poultry and meat and poultry products and initiating court or administrative action when violations of Illinois laws or rules are documented. On special assignment, Bureau personnel perform internal investigations relative to activities of department personnel.~~

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6) ~~The Bureau of Meat and Poultry Inspection licenses and inspects all establishments throughout the State that slaughter and process meat or poultry and meat and poultry products for interstate sale. The Bureau also inspects federally licensed establishments under the Tammidge-Niken Act for interstate shipment of meat and poultry and meat and poultry products. The Division of Animal Industries operates a meat chemistry laboratory, located at the Animal Disease Laboratory, Centralia, which provides assistance for the program.~~

b) In addition to the four ~~six~~ bureaus, the Division, in cooperation with the United States Department of Agriculture, operates the State-Federal Serology Laboratory in Springfield. The principal activity of this laboratory is the testing of blood and milk for specific disease antibodies.

c) ~~The Apiary Section is concerned with controlling bee diseases and makes periodic inspections of bee colonies. A trichineis control program is operated as a general division activity.~~

d) ~~Addresses and phone numbers for the Division of Animal Industries:~~

1) Superintendent, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-4944.

2) Laboratory Manager, Bureau of Animal Disease Laboratory -- Centralia, Division of Animal Industries, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6701.

3) Veterinarian Chief, Bureau of Animal Disease Laboratory -- Galesburg, Division of Animal Industries, 2100 South Lake Storey Road, P.O. Box 2110X, Galesburg, 61402-2100; Phone 309/344-2451.

4) Veterinarian Chief, Bureau of Animal Health, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-4944.

5) Veterinarian Chief, Bureau of Animal Welfare, Division of Animal Industries, Agriculture Building, State

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Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6657.

6) ~~Bureau Chief, Bureau of Compliance and Enforcement, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/785-4708.~~

7) ~~Veterinarian Chief, Bureau of Meat and Poultry Inspection, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6684.~~

8) ~~Supervisor, State-Federal Serology Laboratory, Division of Animal Industries, Agriculture Building, State Fairgrounds, Post Office Box 19241, Springfield, 62794-9241; Phone 217/782-4790.~~

e) Branch Offices:

1) Bureau of Animal Welfare, Room 20, 1010 Jorie Blvd., Oak Brook, 60521; Phone 708/990-8258.

2) ~~Region I, Bureau of Meat and Poultry Inspection, 1010 Jorie Blvd., Room 20, Oak Brook, 60521; Phone 708/990-8259.~~

3) ~~Region II, Bureau of Meat and Poultry Inspection, 2022 Sycamore Road, Suite C, DeKalb, 60115; Phone 815/756-8579.~~

4) ~~Region III, Bureau of Meat and Poultry Inspection, 2100 South Lake Storey Road, P.O. Box 2110X, Galesburg, 61402-2100; Phone 309/344-1925.~~

5) ~~Region IV, Bureau of Meat and Poultry Inspection, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/785-4753.~~

6) ~~Region V, Bureau of Meat and Poultry Inspection, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6705.~~

27) Meats Chemistry Laboratory, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6701.

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992)

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Section 700.35 Division of Consumer Services

- a) The Division of Consumer Services is separated into two bureaus:

1) The Bureau of Meat and Poultry Inspection licenses and inspects all establishments throughout the State that slaughter and process meat or poultry and meat and poultry products for intrastate sale. The Bureau also inspects federally licensed establishments under the Talmadge-Aiken Act for interstate shipment of meat and poultry and meat and poultry products. The compliance and enforcement section is responsible for investigating establishments, premises, vehicles, and products subject to Illinois laws and rules pertaining to animal health, livestock disease control, and the slaughter, processing and identification of meat and poultry and meat and poultry products and initiating court or administrative action when violations of Illinois laws or rules are documented. On special assignment, personnel perform internal investigations relative to activities of department personnel.

2) The Bureau of Weights and Measures is responsible for a wide range of programs designed to protect Illinois citizens. The Bureau provides for inspection of weighing and measuring devices. The Bureau contains a metrology lab which maintains the State of Illinois standards against which all weighing and measuring devices in the State must be calibrated. Sampling and analysis of motor fuels are made in accordance with the Motor Fuel and Petroleum Standards Act. Produce and prepack inspections are conducted to determine whether the label on the packaged item and the contents are in agreement or whether the advertised grade and weight of the product are correct. The Bureau inspects and licenses egg producers and egg breaking establishments as well as licenses merchants dealing in fresh fruits and vegetables.

- b) Addresses and phone numbers for the Division of Consumer Services:

1) Superintendent, Division of Consumer Services, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-3817.

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2) Veterinarian Chief, Bureau of Meat and Poultry Inspection; Phone 217/782-6684.

3) Bureau Chief, Bureau of Weights and Measures; Phone 217/782-3817.

c) Branch Offices:

1) Region I, Bureau of Meat and Poultry Inspection, 1010 Jorie Boulevard, Room 20, Oak Brook, 60521; Phone 708/990-8259.

2) Region II, Bureau of Meat and Poultry Inspection, 2022 Sycamore Road, Suite C, Dekalb, 60115; Phone 815/756-8579.

3) Region III, Bureau of Meat and Poultry Inspection, 2100 South Lake Storey Road, P.O. Box 2110X, Galesburg, 61402-2100; Phone 309/344-1925.

4) Region IV, Bureau of Meat and Poultry Inspection, Agriculture Building, State Fairgrounds, P.O. Box 19281, Springfield, 62794-9281; Phone 217/785-4753.

5) Region V, Bureau of Meat and Poultry Inspection, Shattuc Road, Centralia, 62801-9284; Phone 618/532-6705.

(Source: Added at 16 Ill. Reg. 3893, effective February 28, 1992)

Section 700.40 Division of Marketing and Promotion

- a) The Division of Marketing and Promotion is comprised of four bureaus.

1) The Bureau of Market Development and Information consists of two sections:

A) The Market News Section includes the Illinois Federal-State Livestock Market News Service, the Federal-State Grain Market News Service, and transportation assistance to market agricultural products. Daily, weekly and monthly "Market News" and ~~transportation~~ reports are issued.

B) The Market Service Section develops new marketing opportunities and conducts research aimed at increasing the profitability of agribusinesses.

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This section administers domestic market development and commodity promotional programs which are designed to assist both buyers and sellers of Illinois agricultural products in increasing their markets and in enhancing the image of Illinois agriculture. The Feeder Pig Grading Program is implemented by this Section under cooperative agreement with the United States Department of Agriculture. This Section implements various industry development campaigns in an effort to attract new companies or expand existing companies.

2) The Bureau of Agricultural Statistics is a cooperative effort with the National Agricultural Statistics Service of the United States Department of Agriculture and is responsible for the collection and distribution of basic agricultural statistics for Illinois.

- A) Weekly reports issued: Weather and crop ~~crop-weather~~ reports (April through November).
- B) Monthly reports on: Agricultural prices; field crop yields ~~crops~~; yield per acre and production forecasts during the growing season; ~~milk dairy~~ production; egg ~~production~~; livestock slaughtered; and apple and peach production forecasts during the growing season.
- C) Quarterly releases on: Cattle on feed; grain stocks; hog inventory; and pig crop; ~~egg production; farm labor; and wage rates.~~
- D) Annual or semi-annual reports issued cover: Cattle inventory and calf crop; commercial fertilizer sales; ~~farm labor and wage rates~~; poultry inventory; manufactured dairy products; timber prices; prospective plantings (planted and acreage for harvest); and processing and major fresh market vegetable production.
- E) "Annual Summary of Illinois Agricultural Statistics" includes all regularly published series of State estimates and estimates by counties, information on farm numbers, crop acreages, land utilization, livestock numbers, and cash receipts for crops and livestock, ~~and products by county.~~

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F) Special releases are also issued from time to time. A list of reports published by this Bureau Section and their content is available on request.

3) The Bureau of International Marketing conducts promotional activities and programs within the state and in foreign markets to increase sales of Illinois food and agricultural products worldwide.

A) It operates the Illinois Agricultural Trade Referral Service, a computerized system developed in conjunction with the Agricultural Marketing Service of the United States Department of Agriculture.

B) It publishes the annual "Illinois Food Guide" and "Illinois Agribusiness Guide."

C) It carries on an active schedule of international marketing activities.

D) It provides international business consulting services to client companies.

4) The Bureau of Food Marketing and Promotional Events ~~consists of two sections~~ develops and implements programs which assist Illinois food companies to market and promote their products nationwide. These programs and events include:

- A) Coordination of trade shows and exhibits which help Illinois companies to introduce their product lines to food buyers.
- B) Organization of in-store promotions, menu promotions, and other promotional activities which encourage Illinois consumers to purchase Illinois produced products.
- C) Coordination of the Illinois Product Evaluation program, a market research program which assists Illinois food companies to obtain valuable consumer feedback about their product lines.
- D) Publication and distribution of a variety of special guides and directories which educate consumers and food buyers on specific aspects of

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the Illinois food industry.

E) Organization of awareness programs which educate consumers about food safety and nutritional issues.

F) In addition, the bureau also develops materials and coordinates events which educate Illinois consumers about the Illinois Department of Agriculture and its services.

A) The Feed Marketing Section develops, coordinates and implements domestic marketing programs, food safety programs and consumer awareness programs which promote the Illinois food industry.

B) The Promotional Events Section develops, coordinates, and implements special promotional events for the Divisions of Marketing and Promotion and Fairs and Horse Racing. This section also develops and implements other promotional activities for the Department on an as-needed basis.

b) Addresses and phone numbers for the Division of Marketing and Promotion:

1) Superintendent, Division of Marketing and Promotion, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6675.

2) Bureau of Agricultural Statistics; Phone 217/492-4295.

3) Bureau of Market Development and Information; Phone 217/782-6675.

4) Bureau of International Marketing; Phone 217/782-6675.

5) Bureau of Food Marketing and Promotional Events; Phone 217/782-6675.

c) Branch Offices:

1) Chicago Office: 228 Fairview, Manhattan, 60442; Phone 815/478-4392.

2) Market News Branch, Peoria Stockyards, Livestock Division, Feet of South Street, Peoria, 61602; Phone

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309/671-3203.

3) Market News Branch, National Stockyards, National City, 62071; Phone 618/271-6658.

d) Overseas Offices:

1) BRUSSELS, State of Illinois European Office, Illinois Department of Agriculture, 28-30 Boulevard de la Cambre, BTE 2, 5-Place-du-Champ-de-Mars, Box 14, 1050 Brussels, Belgium; Phone 011.32.2.646.57.30 512-01-05.

2) State of Illinois Canadian Office, 123 Front Street W., Suite 900, Toronto, Ontario M5J 2M2, Canada; Phone 416/365-9888.

3) HONG KONG, Illinois Far East Office, Illinois Department of Agriculture, 1305 1304 Sincere Building, 173 Des Voeux Road (Central), Hong Kong; Phone 011.852.5.451099 5-451099.

4) Oficina Del Estado De Illinois, Paseo de la Reforma No. 450-Piso 4, 06600 Mexico, D.F.; Phone 011.525.208.41854450 or 208.20582895; Fax 011.525.511.2084.

5) Illinois Department of Agriculture (Soviet Union Office), World Trade Center, 321 N. Clark Street, Suite 550, Chicago 60610; Phone 312/793-4915.

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992.)

Section 700.50 Division of Agricultural Industry Regulation Plant Industries and Consumer Services

a) The Division of Agricultural Industry Regulation Plant Industries and Consumer Services is separated into two ~~four~~ bureaus:

1) The Bureau of Agricultural Products Inspection provides regulation and consumer protection pertaining to animal feeds, fertilizers, soil amendments, seeds, and anhydrous ammonia products. The Bureau maintains registrations of products and facilities associated with these agricultural products. Required labeling information is reviewed for each product to assure that guaranties and product identity are truthfully labeled for the consumer. Samples for these products

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are obtained by inspectors from various sources and analyzed to assure that stated quarantines are met. The Bureau contains a chemistry laboratory and a seed laboratory which provide laboratory support to the Bureau's activities. The chemistry laboratory analyzes samples of products to assure that legal requirements are maintained and that guarantees to the consumer are correct. The seed laboratory conducts tests on official seed samples submitted by field staff and performs consumer service seed testing for the public.

2) The Bureau of Warehouses licenses and regulates grain dealers, grain warehousemen, personal property warehousemen, agricultural cooperatives and specialty farm product buyers. The Bureau's duties include protecting consumers, which include farmers, bankers, urban landlords, and the United States Department of Agriculture who store grain in warehouses or who sell grain to grain dealers in the normal course of business. The Illinois Grain Insurance fund offers protection to consumers who have grain stored in warehouses equal to 100% of the value of the grain. In the event that consumers have sold grain to grain dealers and have not received payment, the Illinois Grain Insurance fund affords coverage equal to 85% up to a maximum of \$100,000 to individual claimants. The Personal Property Warehouse Act requires the Department to license and regulate warehousemen who store personal property for hire. These warehouses include household goods warehouses and commercial distribution warehouses. The bulk of these warehouses are in the Chicago metropolitan area. The Specialty Farm Product Buyers Act is aimed at identifying the specialty farm product buyers. The Bureau performs grain warehouse and grain dealer examinations under a cooperative agreement with the United States Department of Agriculture.

3) The Bureau of Laboratories provides laboratory support for the Bureau of Products Inspection and Standards and for the Bureau of Plant and Apiary Protection and administers the agricultural containment and groundwater programs. The laboratory analyzes all the samples of regulated material collected by the field staff to insure that the products meet legal requirements for commercial use and also that they comply with the manufacturer's or processor's guarantees. The Bureau analyzes water samples for the

presence of pesticides.

2) The Bureau of Plant and Apiary Protection regularly surveys for infestations of plant pests and plant diseases and establishes quarantines, cooperates with county weed commissioners to institute weed control programs, inspects and licenses nurseries, inspects horticulture to insure plant health and control diseases, and registers economic poisons. The Apiary Section is concerned with controlling bee diseases and makes periodic inspections of bee colonies. The Departments of Agriculture and Public Health, each in its jurisdictional area, license and certify persons in Illinois who handle and apply pesticides. Custom and public pesticide applicators are certified and/or licensed, and the pesticide program is administered in accordance with State and Federal statutory authority and the Illinois State Plan for Certification of Pesticide Applicators as approved by the Federal Environmental Protection Agency.

3) The Bureau of Products Inspection and Standards is responsible for a wide range of programs designed to protect Illinois citizens. The Bureau requires registration of feeds and fertilizers, samples products for laboratory analysis, and registers and inspects anhydrous ammonia sites. The weights and measures program provides for inspection of weighing and measuring devices. The Bureau contains a metrology lab which maintains the State of Illinois standards against which all weighing and measuring devices in the State must be calibrated. Sampling and analysis of motor fuels are made in accordance with the Motor Fuel Standards Act, produce and pre-pak inspections are conducted to determine whether the label on the packaged item and the contents are in agreement or whether the advertised grade and weight of the product is correct. The Bureau inspects and licenses egg producers and egg breaking establishments, as well as license seed dealers and merchants dealing in fresh fruits and vegetables.

4) The Bureau of Warehouses licenses and regulates grain dealers, grain warehouses, personal property warehouses and agricultural cooperatives. A Memorandum of Agreement with the U. S. Department of Agriculture delineates responsibility so that no grain warehouse is inspected and licensed by both State and Federal governments. The Bureau's activities interest

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~~with the Illinois Grain Insurance Fund.~~

- b) Addresses and phone numbers for the Division of Agricultural Industry Regulation ~~plant industries and consumer services:~~

1) Superintendent, Division of Agricultural Industry Regulation ~~Plant Industries and Consumer Services,~~ Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-3629.

2) Bureau of Agricultural Products Inspection: Phone 217/782-3817. ~~Bureau of Plant and Apiary Protection, Phone 217/785-2427.~~

3) ~~Bureau of Products Inspections and Standards, Phone 217/782-3817.~~

34) Bureau of Warehouses; Phone 217/782-2895.

5) ~~Bureau of Laboratories, Phone 217/782-7655.~~

e) ~~Branch Office:~~

~~Bureau of Plant and Apiary Protection, 1010 Jorie Blvd., Oak Brook, 60521, Phone 312/990-9256.~~

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992.)

Section 700.60 Division of Fairs and Horse Racing

- a) The Division of Fairs and Horse Racing is responsible for the operation of the State Fairs as a showcase for the nation and world to view Illinois agriculture, as a place for industrial, cultural, educational, trade and scientific exhibits, for the promotion of horse racing and other competitive sports, and for the entertainment and enjoyment of the people of the State of Illinois. The Division is also responsible for promoting the general use of the fairgrounds and the facilities located on the fairgrounds year around.

- 1) Illinois State Fair -- schedules and coordinates non-fair activities on the fairground; arranges space rental for fair and non-fair events; supervises competitive events during the Illinois State Fair and is responsible for the payment of premiums for those

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events; responsible for providing entertainment at the Illinois State Fair, including Grandstand, free stages and special events; and contracts for and supervises contractual activities providing services to the Fair, including but not limited to, admission and parking. Publicity and promotion for the Illinois State Fair is initiated in this section.

- 2) The Bureau of County Fairs administers funds to county fairs, expositions, 4-H Clubs and Vocational Agricultural Section Fairs according to statutory authority. Each year a "Recapitulation of the Reports of the Fairs" is compiled and published. Also published is a list of fair dates each season, with the names and addresses of the fair secretaries.

- 3) The Bureau of Horse Racing is responsible for administering a program designed to increase the quality and number of standardbred and thoroughbred race horses in the state. Annual reports are issued on the yearly foal registration and on the registration of qualified stallions.

- 4) Bureau of DuQuoin State Fair -- schedules and coordinates non-fair activities on the fairgrounds; arranges space rental for fair and non-fair events; supervises competitive events during the DuQuoin State Fair and is responsible for the payment of premiums for those events; responsible for providing entertainment at the DuQuoin State Fair, including grandstand, free stages and special events; and contracts for and supervises contractual activities providing services to the fair, including but not limited to, admission and parking. Publicity and promotion for the DuQuoin State Fair is initiated in this bureau.

- 5) The Bureau of Buildings and Grounds is responsible for the management and maintenance of all buildings and grounds, equipment and security under the control of the Department.

- b) Address and phone numbers for the Division of Fairs and Horse Racing:

- 1) Superintendent, Division of Fairs and Horse Racing, Department of Agriculture, Emerson ~~Agriculture~~ Building, State Fairgrounds, Springfield, 62706; Phone 217/782-6661.

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- 2) Illinois State Fair; Phone 217/782-6661.
- 3) Bureau of County Fairs; Phone 217/782-7411.
- 4) Bureau of DuQuoin State Fair, Box 408, DuQuoin, 62832; Phone 618/542-9373.
- 5) Bureau of Horse Racing; Phone 217/782-4504.
- 6) Bureau of Buildings and Grounds; Phone 217/782-0782 (Springfield) and 618/542-9797 (DuQuoin).

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992.)

Section 700.70 Division of Natural Resources

- a) The Division of Natural Resources is separated into three ~~two~~ bureaus:

1) The Bureau of Environmental Programs regularly surveys for infestations of plant pests and plant diseases and establishes quarantines, cooperates with county weed commissioners to institute weed control programs, inspects and licenses nurseries, inspects horticulture to insure plant health and control diseases, and registers economic poisons. The Departments of Agriculture and Public Health, each in its jurisdictional area, license and certify persons in Illinois who handle and apply pesticides. Custom and public pesticide applicators are certified and/or licensed, and the pesticide program is administered in accordance with State and Federal statutory authority and the Illinois State Plan for Certification of Pesticide Applicators as approved by the Federal Environmental Protection Agency. The Bureau administers the agricultural facility containment and groundwater program and provides pesticide laboratory services in support of these and other bureau administered programs.

2) The Bureau of Farmland Protection is responsible for administering the State of Illinois' Farmland Protection Program and the Department's Mined Lands Reclamation Program. The Bureau analyzes proposed state capital development projects for compliance with the Farmland Preservation Act (Ill. Rev. Stat. 1989 1987, ch. 5, par. 1301 et seq.) to protect

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Illinois' finite agricultural land base from unnecessary conversion and degradation. In accordance with the Act, the named ten state agencies were required to adopt agricultural land preservation policies and should ~~be mandated to~~ plan and implement their projects in a manner which will generate the least amount of adverse impacts upon Illinois' agricultural environment. ~~Furthermore, the~~ The Bureau conducts public informational meetings to inform the general public of the importance of farmland protection and provides technical assistance to landowners and local units of government in the formation of farmland protection programs at the local level. Additionally, the Bureau works jointly with the Illinois Department of Mines and Minerals in the implementation of the State's Surface Mine Reclamation program. Pursuant to an interagency agreement, the Bureau reviews mining permit applications and performs on-site mine inspections to monitor reclamation success activities. The Bureau assists Mines and Minerals in developing soil restoration standards and formulated the Agricultural Lands Productivity Formula ~~which is utilized to determine if in fact reclaimed prime farmland has been restored to pre-mining capabilities.~~ The Bureau samples field crops on reclaimed land to ascertain productivity levels for bond release.

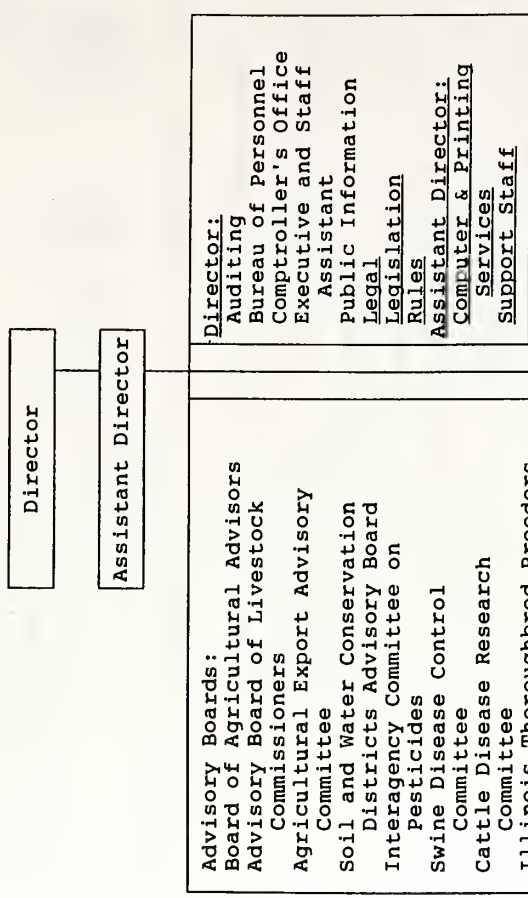
3) The Bureau of Soil Conservation has responsibility for all State soil erosion control program activities and provides educational, technical and financial assistance to the 98 Illinois Soil and Water Conservation Districts. The major activities for the State's soil erosion programs involves: coordinating a State Erosion and Sediment Control Program, administering a soil conservation cost-share program, administering grants to Districts for office operations and staff salaries, providing public presentations on benefits of soil conservation, assisting private and public organizations and agencies in the development of soil erosion and water quality programs, working with the United States Soil Conservation Service and various state and federal agencies in developing and implementing effective land treatment programs to protect existing soil and water resources, and representing the State in all matters arising from the provisions of the Soil and Water Conservation Districts Act.

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SUBPART B: ORGANIZATIONAL CHART

Section 700.100 ILLINOIS DEPARTMENT OF AGRICULTURE ORGANIZATION CHART



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A) Providing assistance to the 98 Illinois Soil and Water Conservation Districts involves: assisting the district directors in carrying out their duties and programs; providing guidance to districts in the management of district personnel; evaluating districts' proposed budgets and special project proposals; providing training sessions and exchanges of ideas between districts; establishing rules and procedures for district referendums and hearings; supervising district director elections; and considering, reviewing, and expressing opinions on any rules, regulations, ordinances, or other actions of district directors.

B) In addition to soil and water conservation programs, the Bureau administers the Water Use Act of 1983, and the modern soil survey program, and the Sustainable Agriculture program. The Water Use Act of 1983 authorizes the Department to better manage and, in four counties, some easements, restrict groundwater withdrawals. The modern soil survey program is a state, federal and local cost-share program for mapping of all soils of the state by county. The Sustainable Agriculture program encourages practices that result in environmentally safe and profitable agricultural production.

b) Address and phone number of the Division of Natural Resources:

1) Superintendent, Division of Natural Resources, Department of Agriculture, Agriculture Building, State Fairgrounds, Post Office Box 19281, Springfield, 62794-9281; Phone 217/782-6297.

2) Bureau of Environmental Programs; Phone 785-2427.

3) Bureau of Farmland Protection; Phone 782-6297.

4) Bureau of Soil Conservation; Phone 782-6297.

c) Branch Office:

Bureau of Environmental Programs, 1010 Jorie Boulevard, Oak Brook, Illinois 60521; Phone 312/990-8256.

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992)

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SUBPART D: PROGRAMS (LAWS) ADMINISTERED BY
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Division of Animal Industries
Bureaus:
Animal Disease Laboratory--
Centralia
Animal Disease Laboratory--
Galesburg
Animal Health
Animal Welfare
Compliance and Enforcement
Meat and Poultry Inspection

Division of Marketing and
Promotion
Bureaus:
Agricultural Statistics
International Marketing
Market Development
and Information
Food Marketing and
Promotional Events

Division of Consumer
Administrative Services
Bureaus:
Buildings and Grounds
Data Information Services
General Administration
Regal Meat and Poultry
Inspection Legislation
Research
Weights and Measures Rules

Division of Fairs and
Horse Racing
Bureau of County Fairs
Bureau of DuQuoin State
Fair
Bureau of Horse Racing
Illinois State Fair
Bureau of Buildings
and Grounds

Division of Natural Resources
Bureaus:
Farmland Protection
Soil Conservation
Environmental Programs

Division of Agricultural
Industry Regulation
Plant Industries and
Consumer Services
Bureaus:
Agricultural Products
Inspection
Laboratories
Plant and Apiary
Products Inspection and
Standards
Warehouses

(Source: Amended at 16 Ill. Reg. 3893, effective
February 28, 1992)

Section 700.130 Code Indicating Administrative Enforcement

Administrative enforcement for acts administered by the Department of Agriculture as listed in Section 700.140 is indicated according to organizational functions as follows:

- a) "CS AS" means the Division of Consumer Services Administrative Services.
- b) "AIR pies" means the Division of Agricultural Industry Regulation Plant Industries and Consumer Services.
- c) "MKT" means the Division of Marketing and Promotion.
- d) "AI" means the Division of Animal Industries.
- e) "FHR" means the Division of Fairs and Horse Racing.
- f) "NR" means the Division of Natural Resources.
- g) "OD" means the Office of the Director.

(Source: Amended at 16 Ill. Reg. 3893, effective
February 28, 1992)

Section 700.140 Statutes Administered by the Department of
Agriculture

Statutes administered by the Department of Agriculture are as
follows:

Statute
Ill. Rev. Stat.
Chapter--Paragraph
(et seq.)
Admin-
istered
By

AN ACT concerning use of State
funds to strengthen the
production agriculture programs
in Illinois

Agricultural Cooperative Act	5	2551	OD AS
Agricultural Fairs Act	32	440	AIR PIES
Agricultural Foreign Investment Disclosure Act	85	651	FHR
Agricultural Statistics Act	5	601	MKT
Animal Control Act	5	90b	MKT
Animal Research and Production Facilities Protection Act	8	351	AI
	8	751	AI

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Animal Welfare Act	8	301	AI
Animals Intended for Food Act	8	106	<u>CS</u> <u>AI</u>
Apple and Peach Marketing Act	5	351	MKT
Aquaculture Development Act	5	2301	MKT
Bees and Apiary Act	8	124	<u>AI</u> <u>PIGS</u>
Bovine Brucellosis Eradication Act	8	134	AI
Bovine Tuberculosis Eradication Act	8	87	AI
Ball Leases Act	8	251	AI
Civil Administrative Code			
of Illinois, The	127	1	
(Creation of the Department)		3	
(Powers of the Department)		40	
(Trust Funds)		40.7	<u>OD</u> <u>AS</u>
(Centennial Farm Sign Program)		40.7	MKT
Commission Merchants Regulation Act			
Control of Bird Pests, Rodents	111	101	<u>CS</u> <u>PIGS</u>
and Predatory Animals Act			
Dairy Statistics Act	8	231	AI
Egg Market Development Act	5	901	MKT
Farmland Preservation Act	5	501	MKT
Feeding of Garbage to Swine Act	5	1301	NR
Food, Drug and Cosmetic Act (as	8	211	AI
it pertains to the Department			
of Agriculture)			<u>AIR</u> <u>PIGS</u> AND
Freedom of Information Act, The	56 1/2	501	<u>CS</u> <u>AI</u>
Gastroenteritis and Other Diseases	116	201	<u>OD</u> <u>AS</u>
of Swine and Livestock Act	8	203	AI
Genetically Engineered Organisms			
(notification and review of the			
release into the environment)			
Grain Dealers Act	111 1/2	7601	NR <u>PIGS</u>
Hatcheries, Poultry Flocks and	111	301	<u>AIR</u> <u>PIGS</u>
the Produce Thereof Law			
Horse Meat Act	8	131	AI
Humane Care for Animals Act	56 1/2	240	<u>AI</u> & <u>CS</u>
Humane Slaughter of Livestock Act	8	701	AI
Illinois Brand Act	8	229.51	<u>CS</u> <u>AI</u>
Illinois Conservation Enhancement	8	33.61	AI
Act			
Illinois Commercial Feed Act	5	2401-1	NR
of 1961			
Illinois Corn Marketing Act	56 1/2	66.1	<u>AIR</u> <u>PIGS</u>
Illinois Dead Animal Disposal Act	5	701	MKT
Illinois Diseased Animals Act	8	149.1	AI
Illinois Egg and Egg Products Act	8	168	AI
Illinois Equine Infectious Anemia	56 1/2	55-1	<u>CS</u> <u>PIGS</u>
Control Act			
Illinois Feeder Swine Dealer	8	951	AI
Licensing Act	111	201	AI

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Illinois Fertilizer Act of 1961	5	55.1	<u>AIR</u> & <u>NR</u> <u>PIGS</u>
Illinois Grain Insurance Act, The			
Illinois Grain Quality Program	114	701	<u>AIR</u> <u>PIGS</u>
Act of 1988			
Illinois Horse Racing Act of 1975	5	2451	MKT
Illinois Noxious Weed Law	8	37-1	FHR
Illinois Pesticide Act of 1979	5	951	NR <u>PIGS</u>
Illinois Pseudorabies Control Act	5	801	NR <u>PIGS</u>
Illinois Refrigerated Warehouses Act	8	801	AI
Illinois Seed Law	56 1/2	79.1	<u>AI</u> & <u>CS</u>
Illinois Sheep and Wool Production	5	401	<u>AIR</u> <u>PIGS</u>
Development and Marketing Act			
Illinois Swine Brucellosis	5	1051	MKT
Eradication Act			
Illinois Swine Disease Control and	8	148f	AI
Eradication Act			
Illinois Trichinosis Control Act	8	501	AI
Insect Pest and Plant Disease Act	5	1801	AI
Inspection and Standardization of	5	61	NR <u>PIGS</u>
Farm Products Act			<u>AIR</u> <u>PIGS</u> , MKT
Laboratories Act	5	92	and AI
Lawn Care Products Application	8	105.11	AI
and Notice Act			
Livestock Auction Markets Law	5	851	NR <u>PIGS</u>
Livestock Dealers Licensing Act	121 1/2	208	AI
Marketing Fresh Fruits and	111	401	AI
Vegetables Act			
Meat and Poultry Inspection Act	5	139	<u>CS</u> <u>PIGS</u>
Motor Fuel Standards Act	56 1/2	301	<u>CS</u> <u>AI</u>
Ownership of Agricultural Land by	5	1701	<u>CS</u> <u>PIGS</u>
Certain Corporations, Partnerships			
and Trusts			
Personal Property Warehouse Act	5	2101	MKT
Pest Control Compact	111 2/3	119	<u>AIR</u> <u>PIGS</u>
Public Grain Warehouse and	5	281	NR <u>PIGS</u>
Warehouse Receipts Act			
Rural Rehabilitation Act	114	214.1	<u>AIR</u> <u>PIGS</u>
Sale of Meat and Meat Products	127	42a3	<u>OD</u> <u>AS</u>
Act (Kosher Meat Act)			
Sanitary Inspection Act (insofar	56 1/2	288.1	<u>CS</u> <u>AI</u>
as it relates to establishments			
defined in Para. (e) of Section 2			
of "The Meat and Poultry			
Inspection Act")			
Seed Arbitration Act	56 1/2	67	<u>CS</u> <u>AI</u>
Slaughter Livestock Buyer Act	P.A. 87-186		<u>AIR</u>
Soil Amendments Act	111	501	AI
Soil and Water Conservation	P.A. 87-394		<u>AIR</u>

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

Districts Act	5	106	NR
Soil Conservation and Domestic Allotment Act	5	138a	NR
Soybean Marketing Programs Law	5	551	MKT
Specialty Farm Product Buyers Act	P.A. 87-171		AIR
State Fair Act	127	1701	FHR
Sustainable Agriculture Act	5	2651	NR
Water Use Act of 1983	5	1601	NR
Weights and Measures Act	147	101	CS PICS

(Source: Amended at 16 Ill. Reg. 3893, effective February 28, 1992.)

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Financial Responsibility of Parents or Guardians of the Estates of Children
- 2) Code Citation: 89 Ill. Adm. Code 352
- 3) Section Numbers: Adopted Action
Appendix A Amended
- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 23, pars. 5004 and 5009.1-5009.9 and Ill. Rev. Stat. 1989, ch. 37, par. 806-9.
- 5) Effective Date of Amendments: February 28, 1992
- 6) Does this rulemaking contain an automatic repeal date: Yes ☐ No ☒
If so, please specify date:
- 7) Do these amendments contain incorporations by reference? No.
If "yes," was a copy of the approval form issued by JCAR attached to this rulemaking?
- 8) Date Filed in Agency's Principal Office: February 25, 1992
- 9) Notice(s) of Proposal Published in Illinois Register:
September 13, 1991, 15 Ill. Reg. 13229
(issue date)
- 10) Has JCAR issued a Statement of Objections to these rules? No.
If answer is "yes," please complete the following:
- 11) Difference(s) between proposal and final version:
Corrected typographical errors in the gross annual income levels: for family size 7, changed from 39,901-39,800 to 39,001-39,800; family size 8 changed from 40,501-42,300 to 41,501-42,300 and family size 9, changed from 44,201-44,029 to 43,201-44,029
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will amendments replace an emergency rule currently in effect? No.
- 14) Are there any amendments pending on this Part? No.

Section Numbers Proposed Action Illinois Register Citation

15) **Summary and Purpose of Amendments:** These rules are amended to comply with Federal regulations at CFR 45, Part 98. Appendix A of Rule 352 has been amended by deleting the schedule of weekly family fees for center and non-center day care at family income levels of 0-80% of the State's 1980 median income and adding a new schedule of weekly parent fees at fees at 0-75% of the State's 1991 median income. This expanded flexibility will allow for continued eligibility of child care services to the parents.

16) **Information and questions regarding these amendments shall be directed to:**

Name: Jacqueline Nottingham, Chief
Address: Office of Rules and Procedures
Department of Children and Family Services
406 East Monroe, Station #222
Springfield, Illinois 62701-1498
Telephone: 217/524-1983

The full text of the adopted amendments begins on the next page:

TITLE 89: SOCIAL SERVICES
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES
SUBCHAPTER c: FISCAL ADMINISTRATION

PART 352
FINANCIAL RESPONSIBILITY OF PARENTS OR GUARDIANS
OF THE ESTATES OF CHILDREN

Section	Purpose
352.1	Definitions
352.2	Services for Which Assessments Will Be Made
352.3	Notification and Determination of Responsibility
352.4	Initiation of Charges
352.5	Termination of Account Balances
352.6	Method of Billing, Remittance and Collection
352.7	Consideration of Other Benefits
352.8	Rights of Appeal
352.9	Parental Repayment Hearing
352.10	Hearing Decision
352.11	

APPENDIX A	Schedule-of-Weekly-Fees-for--Day-Care--Centers/Non-Center--Day-Care Schedule of Weekly Fees for Subsidized Child Care Programs
APPENDIX B	Income Eligibility 0-75% Median Income
	Substitute Care Fee Schedule

AUTHORITY: Implementing and authorized by Sections 4 and 9.1 through 9.9 of the "Children and Family Services Act," (Ill. Rev. Stat. 1989, ch. 23, pars. 5004, and 5009.1-5009.9), and Section 6-9 of the Juvenile Court Act of 1987 (Ill. Rev. Stat. 1989, ch. 37, par. 806-9).

SOURCE: Adopted and codified at 5 Ill. Reg. 8654, effective September 1, 1981; amended at 7 Ill. Reg. 3175, effective April 1, 1983; emergency amendment at 7 Ill. Reg. 14534, effective October 19, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 1802, effective February 3, 1984; amended at 9 Ill. Reg. 2247, effective February 15, 1985; amended at 10 Ill. Reg. 17120, effective October 15, 1986; amended at 15 Ill. Reg. 11111, effective July 19, 1991; emergency amendment at 15 Ill. Reg. 13554, effective September 1, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 3924, effective February 28, 1992.

Section 352. APPENDIX A Schedule-of-Weekly-Fees-for-Day-Care-Centers/Non-Center Day-Care Schedule of Weekly Fees for Subsidized Child Care Programs Income Eligibility 0-75% Median Income

SCHEDULE-OF-WEEKLY-PARENT-FEES-FOR-DAY-CARE-CENTERS
INCOME-Eligibility-0--00%-OF-MEDIAN-INCOME

Family-Size-2
Family-Size-3

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0--67699	\$-----25	\$-----0--87349	\$-----25
67700--67999	1-00	87350--87724	1-00
77000--77299	1-50	87725--97099	1-50
77300--77599	2-00	97100--97474	2-00
77600--77899	2-50	97475--97849	3-00
77900--87199	3-00	97850--107224	4-00
87200--87499	4-00	107225--107599	5-00
87500--87799	5-00	107600--107974	6-00
87800--87999	6-00	107975--117349	7-00
97400--97399	7-00	117350--117724	8-00
97400--97699	8-00	117725--127099	10-00
97700--97999	9-00	127100--127474	12-00
107000--107299	10-00	127475--127849	14-00
107300--107599	12-00	127850--137224	16-00
107600--107899	14-00	137225--137599	18-00
107900--117199	16-00	137600--137974	21-00
117200--117499	19-00	137975--147349	23-00
117500--117799	21-00	147350--147724	26-00
117800--127099	24-00	147725--157099	28-00
127100--127399	27-00	157100--157424	32-00
127400--127699	30-00	157425--157849	35-00
127700--127999	33-00	157850--167224	38-00
137000--147107	37-00	167225--177426	41-00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0--97099	\$-----25	\$-----0--117599	\$-----25
97100--107349	1-00	117600--127099	1-00
107350--107799	1-50	127100--127599	1-50
107800--117249	2-00	127600--137099	2-00
117250--117699	2-50	137100--137599	2-50
117700--127149	3-00	137600--147099	3-00
127150--127599	4-00	147100--147599	4-00
127600--137049	5-00	147600--157099	5-00
137050--137499	7-00	157100--157599	7-00
137500--137949	9-00	157600--167099	9-00
137950--147399	11-00	167100--167599	11-00
147400--147849	13-00	167600--177099	13-00
147850--157299	15-00	177100--177599	15-00
157300--157749	18-00	177600--187099	18-00
157750--167199	20-00	187100--187599	20-00
167200--167649	23-00	187600--197099	23-00
167650--177099	26-00	197100--197599	26-00
177100--177549	29-00	197600--207099	29-00
177550--177999	32-00	207100--207599	32-00
187000--187449	36-00	207600--217099	36-00
187450--187899	39-00	217100--217599	39-00
187900--197349	43-00	217600--227099	43-00
197350--207745	46-00	227100--247066	46-00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Family-Size-6

Family-Size-7

Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0-13,099	\$-----25	\$-----0-13,399	\$-----25
13,100-13,674	1-00	13,400-13,999	1-00
13,675-14,249	1-50	14,000-14,599	1-50
14,250-14,824	2-00	14,600-15,199	2-00
14,825-15,399	2-50	15,200-15,799	2-50
15,400-15,974	3-00	15,800-16,399	3-00
15,975-16,549	4-00	16,400-16,999	4-00
16,550-17,124	5-50	17,000-17,599	5-50
17,125-17,699	7-00	17,600-18,199	7-00
17,700-18,274	9-00	18,200-18,799	9-00
18,275-18,849	11-00	18,800-19,399	11-00
18,850-19,424	13-00	19,400-19,999	13-00
19,425-19,999	15-50	20,000-20,599	15-50
20,000-20,574	18-00	20,600-21,199	18-00
20,575-21,149	20-50	21,200-21,799	20-50
21,150-21,724	23-00	21,800-22,399	23-00
21,725-22,299	26-00	22,400-22,999	26-00
22,300-22,874	29-00	23,000-23,599	29-00
22,875-23,449	32-50	23,600-24,199	32-50
23,450-24,024	36-00	24,200-24,799	36-00
24,025-24,599	39-50	24,600-25,199	39-50
24,600-25,174	43-00	25,200-25,799	43-00
25,175-25,749	46-50	26,000-26,599	46-50

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Family-Size-8

Family-Size-9

Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0-13,699	\$-----25	\$-----0-13,999	\$-----25
13,700-14,299	1-00	14,000-14,624	1-00
14,300-14,899	1-50	14,625-15,249	1-50
14,900-15,499	2-00	15,250-15,874	2-00
15,500-16,099	2-50	15,875-16,499	2-50
16,100-16,699	3-00	16,500-17,124	3-00
16,700-17,299	4-00	17,125-17,749	4-00
17,300-17,899	5-50	17,750-18,374	5-50
17,900-18,499	7-00	18,375-18,999	7-00
18,500-19,099	9-00	19,000-19,624	9-00
19,100-19,699	11-00	19,625-20,249	11-00
19,700-20,299	13-00	20,250-20,874	13-00
20,300-20,899	15-50	20,875-21,499	15-00
20,900-21,499	18-00	21,500-22,124	18-00
21,500-22,099	20-50	22,125-22,749	20-40
22,100-22,699	23-00	22,750-23,374	23-00
22,700-23,299	26-00	23,375-23,999	26-00
23,300-23,899	29-00	24,000-24,624	29-00
23,900-24,499	32-50	24,625-25,249	32-50
24,500-25,099	36-00	25,250-25,874	36-00
25,100-25,699	39-50	25,875-26,499	39-50
25,700-26,299	43-00	26,500-27,124	43-00
26,300-26,899	46-50	27,125-27,749	46-50

NOTE:

Fees--are--per--family--if--a--family--has--more--than--9--members--the--fee
schedule--may--be--adjusted--as--follows--Subtract--\$623--from--the--gross
annual--income--for--each--family--member--over--9--Charge--the--indicated
fee--under--family--size--of--9--for--the--resulting--adjusted--income--

No--clients--are--to--be--charged--more--than--the--indicated--fee--or--the
maximum--rate--paid--by--the--Department--of--Children--and--Family--Services
or--the--cost--of--the--care--whichever--is--less--

Use--4--333--weeks--per--month--when--converting--weekly--fees--into--monthly
fees--or--when--converting--weekly--income--into--monthly--income--and--use
2-1666--to--convert--bi-weekly--fees--or--income--into--monthly--fees--or
income--

For--part-time--care--if--care--less--than--five--hours--per--day--charge
one-half--(1/2)--the--indicated--fee--

NOTICE OF ADOPTED AMENDMENT(S)

SCHEDULE-OP-WEEKLY-PARENT-FEES-FOR-NON-CENTER-DAY-CARE
INCOME-BELOW-BLACK-0-00-OF-MEDIAN-INCOME

INCOME-BB161B1BY-0-0-000-0P-MEDIAN-INCOME	Family-Size-2			Family-Size-3		
	Gross-Annual income	Weekly Fee		Gross-Annual income	Weekly Fee	
	\$-----0-6799	\$-----25		\$-----0-07349	\$-----25	
	6700-6799	.50		07350-07724	.50	
	7000-7299	1.00		07725-07099	1.00	
	7300-7599	1.50		9100-97474	1.50	
	7600-7799	2.00		97475-97049	2.00	
	7800-8099	2.50		97050-107224	2.50	
	8100-8499	3.00		107225-107599	3.00	
	8500-8799	4.00		107600-107974	4.00	
	8800-9099	5.00		107975-117349	5.00	
	9100-9399	6.00		117350-117724	6.00	
	9400-9699	7.00		117725-127099	7.00	
	9700-9799	8.00		127100-127474	8.00	
	10000-10299	9.00		127475-127049	9.00	
	10300-10799	10.00		127050-137224	10.00	
	10600-107099	11.00		137225-137599	11.00	
	10900-11199	12.00		137600-137974	12.00	
	11200-11499	13.00		137975-147349	13.00	
	11500-11799	14.00		147350-147724	14.00	
	11800-12099	15.00		147725-157099	15.00	
	12100-12399	16.00		157100-157474	16.00	
	12400-12699	17.00		157475-157049	17.00	
	12700-12999	18.00		157050-167224	18.00	
	13000-13707	19.00		167225-177474	19.00	

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Family-Size-6

Family-Size-7

Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0-13,099	\$-----25	\$-----0-13,399	\$-----25
13,100-13,674	50	13,400-13,999	50
13,675-14,249	1-00	14,000-14,599	1-00
14,250-14,824	1-50	14,600-15,199	1-50
14,825-15,399	2-00	15,200-15,799	2-00
15,400-15,974	3-00	15,800-16,399	3-00
15,975-16,549	4-00	16,400-16,999	4-00
16,550-17,124	5-00	17,000-17,599	5-00
17,125-17,699	6-00	17,600-18,199	6-00
17,700-18,274	7-00	18,200-18,799	7-00
18,275-18,849	8-00	18,800-19,399	8-00
18,850-19,424	9-00	19,400-19,999	9-00
19,425-19,999	10-50	20,000-20,599	10-50
20,000-20,574	12-00	20,600-21,199	12-00
20,575-21,149	13-50	21,200-21,799	13-50
21,150-21,724	15-00	21,800-22,399	15-00
21,725-22,299	16-50	22,400-22,999	16-50
22,300-22,874	18-00	23,000-23,599	18-00
22,875-23,449	20-00	23,600-24,199	20-00
23,450-24,024	22-00	24,200-24,799	22-00
24,025-24,599	24-00	24,800-25,399	24-00
24,600-25,174	26-00	25,400-25,999	26-00
25,175-25,749	28-00	26,000-26,599	28-00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Family-Size-8

Family-Size-9

Gross-Annual Income	Weekly Fee	Gross-Annual Income	Weekly Fee
\$-----0-13,699	\$-----25	\$-----0-13,999	\$-----25
13,700-14,299	50	14,000-14,624	50
14,300-14,899	1-00	14,625-15,249	1-00
14,900-15,499	1-50	15,250-15,874	1-50
15,500-16,099	2-00	15,875-16,499	2-00
16,100-16,699	3-00	16,500-17,124	3-00
16,700-17,299	4-00	17,125-17,749	4-00
17,300-17,899	5-00	17,750-18,374	5-00
17,900-18,499	6-00	18,375-18,999	6-00
18,500-19,099	7-00	19,000-19,624	7-00
19,100-19,699	8-00	19,625-20,249	8-00
19,700-20,299	9-00	20,250-20,874	9-00
20,300-20,899	10-50	20,875-21,499	10-50
20,900-21,499	12-00	21,500-22,124	12-00
21,500-22,099	13-50	22,125-22,749	13-50
22,100-22,699	15-00	22,750-23,374	15-00
22,700-23,299	16-50	23,375-23,999	16-50
23,300-23,899	18-00	24,000-24,624	18-00
23,900-24,499	20-00	24,625-25,249	20-00
24,500-25,099	22-00	25,250-25,874	22-00
25,100-25,699	24-00	25,875-26,499	24-00
25,700-26,299	26-00	26,500-27,124	26-00
26,300-26,899	28-00	27,125-27,749	28-00

NOTE:

Fees-are-per-family---if-a-family-has-more-than-9-members---the-fee schedule-may-be-adjusted-as-follows---Subtract-\$623-from-the-gross annual-income-for-each-family-member-over-9---Charge-the-indicated fee-under-family-size-of-9-for-the-resulting-adjusted-income

No-clients-are-to-be-charged-more-than-the-indicated-fee-or-the maximum-rate-paid-by-the-Department-of-Children-and-Family-Services or-the-cost-of-the-care-which-ever-is-less

Use--4-333--weeks-per-month-when-converting-weekly-fees-into-monthly fees-or-when-converting-weekly-income-into-monthly-income--and-use 2-1666-to-convert--bi-weekly--fees--or--income-into-monthly-fees-or income

Per-part-time-care-fee-care-less-than-five-hours-per-day---charge one-half-(1/2)-the-indicated-fee

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Family Size 4		Family Size 5	
Gross Annual Income	Weekly Fee	Gross Annual Income	Weekly Fee
\$ 0-16,900	\$.25	\$ 0-19,400	\$.25
16,901-17,500	1.00	19,401-20,100	1.00
17,501-18,100	3.00	20,101-20,800	3.00
18,101-18,700	5.00	20,801-21,500	5.00
18,701-19,300	7.00	21,501-22,200	7.00
19,301-19,900	9.00	22,201-22,900	9.00
19,901-20,500	11.00	22,901-23,600	11.00
20,501-21,100	13.00	23,601-24,300	13.00
21,101-21,700	15.00	24,301-25,000	15.00
21,701-22,300	17.00	25,001-25,700	17.00
22,301-22,900	20.00	25,701-26,400	20.00
22,901-23,500	23.00	26,401-27,100	23.00
23,501-24,100	26.00	27,101-27,800	26.00
24,101-24,700	29.00	27,801-28,500	29.00
24,701-25,300	32.00	28,501-29,200	32.00
25,301-25,900	35.00	29,201-29,900	35.00
25,901-26,500	38.00	29,901-30,600	38.00
26,501-27,100	41.00	30,601-31,300	41.00
27,101-27,700	44.00	31,301-32,000	44.00
27,701-28,300	47.00	32,001-32,700	47.00
28,301-28,900	50.00	32,701-33,400	50.00
28,901-29,500	53.00	33,401-34,100	53.00
29,501-30,100	56.00	34,101-34,800	56.00
30,101-30,700	59.00	34,801-35,500	59.00
30,701-31,266	62.00	35,501-36,223	62.00

ILLINOIS REGISTER

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

Family Size 2		Family Size 3	
Gross Annual Income	Weekly Fee	Gross Annual Income	Weekly Fee
\$ 0-11,500	\$.25	\$ 0-13,700	\$.25
11,501-11,900	1.00	13,701-14,200	1.00
11,901-12,300	2.00	14,201-14,700	2.00
12,301-12,700	4.00	14,701-15,200	4.00
12,701-13,100	6.00	15,201-15,700	6.00
13,101-13,500	8.00	15,701-16,200	8.00
13,501-13,900	10.00	16,201-16,700	10.00
13,901-14,300	12.00	16,701-17,200	12.00
14,301-14,700	14.00	17,201-17,700	14.00
14,701-15,100	16.00	17,701-18,200	16.00
15,101-15,500	18.00	18,201-18,700	18.00
15,501-15,900	20.00	18,701-19,200	20.00
15,901-16,300	22.00	19,201-19,700	22.00
16,301-16,700	24.00	19,701-20,200	24.00
16,701-17,100	26.00	20,201-20,700	26.00
17,101-17,500	28.00	20,701-21,200	28.00
17,501-17,900	30.00	21,201-21,700	30.00
17,901-18,300	32.00	21,701-22,200	32.00
18,301-18,700	34.00	22,201-22,700	34.00
18,701-19,100	36.00	22,701-23,200	36.00
19,101-19,500	38.00	23,201-23,700	38.00
19,501-19,900	40.00	23,701-24,200	40.00
19,901-20,300	42.00	24,201-24,700	42.00
20,301-20,700	44.00	24,701-25,200	44.00
20,701-21,100	46.00	25,201-25,700	46.00
21,101-21,234	48.00	25,701-26,230	48.00

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

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Family Size 8			Family Size 9		
Gross Annual Income	Weekly Fee		Gross Annual Income	Weekly Fee	
\$ 0-23,900	\$.25		\$ 0-24,800	\$.25	
23,901-24,700	1.00		24,801-25,600	1.00	
24,701-25,500	3.00		25,601-26,400	3.00	
25,501-26,300	5.00		26,401-27,200	5.00	
26,301-27,100	7.00		27,201-28,000	7.00	
27,101-27,900	9.00		28,001-28,800	9.00	
27,901-28,700	11.00		28,801-29,600	11.00	
28,701-29,500	13.00		29,601-30,400	13.00	
29,501-30,300	15.00		30,401-31,200	15.00	
30,301-31,100	17.00		31,201-32,000	17.00	
31,101-31,900	20.00		32,001-32,800	20.00	
31,901-32,700	23.00		32,801-33,600	23.00	
32,701-33,500	26.00		33,601-34,400	26.00	
33,501-34,300	29.00		34,401-35,200	29.00	
34,301-35,100	32.00		35,201-36,000	32.00	
35,101-35,900	35.00		36,001-36,800	35.00	
35,901-36,700	38.00		36,801-37,600	38.00	
36,701-37,500	41.00		37,601-38,400	41.00	
37,501-38,300	44.00		38,401-39,200	44.00	
38,301-39,100	47.00		39,201-40,000	47.00	
39,101-39,900	50.00		40,001-40,800	50.00	
39,901-40,700	53.00		40,801-41,600	53.00	
40,701-41,500	56.00		41,601-42,400	56.00	
41,501-42,300	59.00		42,401-43,200	59.00	
42,301-43,092	62.00		43,201-44,029	62.00	

Family Size 6			Family Size 7		
Gross Annual Income	Weekly Fee		Gross Annual Income	Weekly Fee	
\$ 0-22,000	\$.25		\$ 0-23,000	\$.25	
22,001-22,800	1.00		23,001-23,800	1.00	
22,801-23,600	3.00		23,801-24,600	3.00	
23,601-24,400	5.00		24,601-25,400	5.00	
24,401-25,200	7.00		25,401-26,200	7.00	
25,201-26,000	9.00		26,201-27,000	9.00	
26,001-26,800	11.00		27,001-27,800	11.00	
26,801-27,600	13.00		27,801-28,600	13.00	
27,601-28,400	15.00		28,601-29,400	15.00	
28,401-29,200	17.00		29,401-30,200	17.00	
29,201-30,000	20.00		30,201-31,000	20.00	
30,001-30,800	23.00		31,001-31,800	23.00	
30,801-31,600	26.00		31,801-32,600	26.00	
31,601-32,400	29.00		32,601-33,400	29.00	
32,401-33,200	32.00		33,401-34,200	32.00	
33,201-34,000	35.00		34,201-35,000	35.00	
34,001-34,800	38.00		35,001-35,800	38.00	
34,801-35,600	41.00		35,801-36,600	41.00	
35,601-36,400	44.00		36,601-37,400	44.00	
36,401-37,200	47.00		37,401-38,200	47.00	
37,201-38,000	50.00		38,201-39,000	50.00	
38,001-38,800	53.00		39,001-39,800	53.00	
38,801-39,600	56.00		39,801-40,600	56.00	
39,601-40,400	59.00		40,601-41,400	59.00	
40,401-41,216	62.00		41,401-42,155	62.00	

NOTE: Fees are per family. If a family has more than 9 members, the fee schedule may be adjusted as follows: Subtract \$937 from the gross annual income for each family member over 9. Charge the indicated fee under family size of 9 for the resulting adjusted income.

No clients are to be charged more than the indicated fee or the maximum rate paid by the Department of Children and Family Services or the cost of the care, whichever is less.

Use 4.333 weeks per month when converting weekly fees into monthly fees or when converting weekly income into monthly income and use 2.1666 to convert bi-weekly fees or income into monthly fees or income.

For part-time care, i.e., care less than five hours per day, charge one-half (1/2) the indicated fee.

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

NOTICE OF ADOPTED AMENDMENT(S)

(Source: Amended at 16 Ill. Reg. 3924, effective February 28, 1992)

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Low Income Home Energy Assistance Program

2) Code Citation: 47 Ill. Adm. Code 100

3) Section Numbers: Adopted Action:

100.10	Amendment
100.20	Amendment
100.30	Amendment
100.40	Amendment
100.50	Amendment
100.85	Amendment
100.103	Amendment
100.105	Amendment
100.106	Repeal
100.110	Amendment
100.111	Repeal
100.113	Amendment
100.115	Amendment
100.120	Amendment
100. Appendix A	
Illustration A	New Section
Illustration B	New Section
Illustration C	New Section
Illustration D	New Section
Illustration E	New Section
Illustration F	New Section
100. Appendix D	Amendment
100. Appendix E	Repeal
100. Appendix F	Repeal

4) Statutory Authority: Implementing the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1401 et seq., as amended by P.A. 87-14, effective July 24, 1991) and authorized by Section 4 of the Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 1404), Section 46.20 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 46.20), and the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C.A. 8621 et seq. (1991)).

5) Effective Date of Amendments: February 26, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Do these amendments contain incorporations by reference? Yes, under Section 6.02(a) of the Illinois Administrative Procedure Act.

8) Date Filed in Agency's Principal Office: February 25, 1992.

9) Notice of Proposal Published in Illinois Register: October 11, 1991 -

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15 Ill. Reg. 14337.

- 10) Has JCAR issued a Statement of Objections to these amendments? No.
- 11) Differences between proposal and final version:

Section 100.20

Deleted the following language from lines five and six of subsection (a): "and Title IV of the Social Security Act (Ill. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq.)."

Section 100.30

Deleted both commas from line three of the definition of "Customer of record".

Renamed the definition "Primary Source of Heat" to "Primary Energy Source".

Section 100.40

Added a closing parenthesis in line seven of subsection (b), after "program".

Section 100.103

In line four of subsection (b)(1), changed "use" to "used".

Section 100.105

In the next to the last line of subsection (d), inserted "(40% as of October, 1992)" after "50%".

Section 100.110

In line one of subsection (a)(2)(A), inserted "or member of the applicant's household" after "applicant".

Added the following language to the end of subsection (a)(2)(B): "If the home energy provider(s) fails to sign a Vendor Agreement, then a two-party check will be sent to the applicant."

The following language has been added to the end of subsection (b)(2)(B): "The 10% rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced."

Subsection (d) has been deleted.

Section 100.113

In the second line of subsection (a)(5), "November" has been deleted and "October" reinstated.

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In line eight of subsection (b)(2), changed "of" to "after".

Added the following language to the end of subsection (b)(2): "If the energy provider(s) fails to sign a Vendor Agreement, then a two-party check will be sent to the applicant."

Section 100.115

In lines one and two of subsection (a)(1), replaced "electric utilities" with "home energy provider(s)".

Section 100.120

In line one of subsection (b)(1), deleted "apply for assistance and".

Added the following language to the end of subsection (b)(1): "A household member may apply on behalf of the customer of record."

Added a new subsection (d) which reads: "Verification of Rental Expenses - Rental expenses may be verified by documentation in the form of: lease/rental agreements, current rent receipt(s), verification letters from the applicant's landlord or authorized property manager."

Relabeled subsection (d) as (e) and added the following text to the end of the subsection: "within the same 30-day period".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

- 13) Will these amendments replace an emergency amendment currently in effect? Yes.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and Purpose of Amendments: The "Residential Energy Assistance Partnership Program" rules have been renamed the "Low Income Home Energy Assistance Program" (LIHEAP) and amended to incorporate the provisions of P.A. 87-14 which amended the Energy Assistance Act of 1989. Amendments to Sections 100.10, 100.20, 100.40, 100.50, and 100.115 consist of technical changes only (e.g., program name, legislative citations and references, punctuation). A definition for "kitchen facilities" has been added to Section 100.30 and various revisions and deletions made to implement provisions of the P.A. Sections 100.85, 100.103, and 100.105 have been amended to incorporate technical changes and corrections in accordance with the P.A. Additionally, in Section 100.105, language has been added to make 1/3 of the overall benefit funding available to applicant households who receive Aid to Families with Dependent Children; Aid to the Aged, Blind, and Disabled; General Assistance; or households which have incomes less than 50% of the poverty level. Sections 100.106, 100.111, 100. Appendix E, and 100. Appendix F have been repealed. Language has

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been deleted from Sections 100.110, 100.113, and 100.120 to eliminate information regarding assistance options which no longer exist under the new program. Section 100.110 (b)(1) has been revised to clarify the revised benefits authorized by the P.A. Section 100. Appendix A has been changed to include LIHEAP payment matrixes. In Section 100. Appendix D, on the Assistance Level Chart Map, the dividing line between the northern and south/central regions of the State has been changed to more accurately reflect current weather and energy data for the State.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Mr. Norm Sims, Deputy Director
Department of Commerce and Community Affairs
Bureau of Policy Development, Planning & Research
620 East Adams Street, 3rd Floor
Springfield, Illinois 62701
(217) 524-4845

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 47: HOUSING AND COMMUNITY DEVELOPMENT
CHAPTER 1: DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

PART 100

~~RBSIBEN#AB-ENERGY-ASSISTANCEB-PARTNERSHIP-PROGRAM~~
~~LOW INCOME HOME ENERGY ASSISTANCE PROGRAM~~

SUBPART A: GENERAL PROVISIONS

Section	
100.10	Legislative Base
100.20	Purpose and Scope
100.30	Definitions
100.40	Local Administering Agency Designation
100.45	Local Administering Agency Application for Funding
100.50	Grant Termination
100.60	Eligible Grantees (Recodified)
100.70	Administrative Requirements
100.80	Nondiscrimination
100.85	Dispute Procedures
100.90	Complaint Process
100.100	Incorporation by Reference

SUBPART B: ENERGY ASSISTANCE

Section	
100.103	Energy Assistance Program
100.105	Allocation of Block Grant Funds
100.106	Allocation of Illinois Department of Public Aid Funds <u>(Repealed)</u>
100.110	Assistance Available
100.111	Status Category 1 Procedures (Applicants on Aid to Families with Dependent Children (AFDC) Assistance) <u>(Repealed)</u>
100.113	Status-Category-2-Procedures-(Applicants-not-on-AFDC Assistance--Block Grant-Pending)
100.115	Cooling Assistance
100.117	Supplemental Assistance (Repealed)
100.120	Determination of Household Eligibility
100.130	Grant Application Requirements (Repealed)
100.140	Eligible Grantees (Repealed)

SUBPART C: WEATHERIZATION

Section	
100.210	Definitions (Repealed)
100.220	Allocation of Funds
100.230	Local Administering Agency Selection (Repealed)
100.240	Local Administering Agency Application (Repealed)
100.250	Minimum Program Requirements
100.260	Allowable Costs

1
2

a) The LIHEAP Residential Energy Assistance-Partnership Program (NEAPP) has been established to carry out the provisions of the Energy Assistance Act of 1989. The State will use the funds available under the Low-Income Home Energy Assistance Block Grant and Witte IV of the Social Security Act (P.L. Rev. Stat. 1989, ch. 23, pars. 4-1 et seq.)

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to provide assistance to eligible households to meet the costs of home energy, and more specifically to provide:

- 1) assistance in the form of a cash payment made directly to the eligible household should that household purchase home energy as an undesignated portion of rent;
 - 2) payments to a home energy provider vendor on behalf of the eligible household or direct to the household if its winter energy services are provided by a non-participating home energy provider vendor;
 - 3) supplemental assistance based on a percentage of income option in the form of payments to a home energy vendor on behalf of the eligible household;
 - 34) low cost weatherization and/or energy-related home repairs applied directly to an eligible household's residence; and
 - 45) emergency services to an eligible household in an energy-related life-or-health threatening situation.
- b) This Part specifies program guidelines whereby the Department will provide comprehensive energy and weatherization assistance to low-income citizens.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 100.30 Definitions

"Act": The Energy Assistance Act of 1989 (Ill. Rev. Stat. 1989, ch. 111 2/3, pars. 1401 et seq., as amended by P.A. 87-14, effective July 24, 1991).

"Customer of record": Any person who is receiving home energy services from a home energy provider vendor and has agreed to pay for those services, or did receive home energy services during the program year from a home energy provider vendor and has not changed the home energy provider vendor for that type of home energy service.

"Default": Failure to make a payment by the due date established in accordance with 03-111-Adm--Code--200-90 or the company's normal credit collection practices. For the purposes of Sections 100-111(a)(7)(B) and 100-113(a)(7)(B) of this Part, a customer has not defaulted unless they do not comply with the written notification which is mailed after the due date stated in 03-111-Adm--Code--200-90.

"Department": The Illinois Department of Commerce and Community Affairs.

"Disabled Person": A person who is and who is expected to continue indefinitely to be subject to a physical, developmental, visual, hearing or mental disability, as defined in Section 4A of the Illinois Identification Card Act (Ill. Rev. Stat. 1989, ch. 124, par. 24A).

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"Dwelling Unit": A house, including a stationary mobile home, an apartment, or a room or group of rooms occupied as separate, independent living quarters.

"Elderly Person": A person who is 60 years of age or older.

"Energy Crisis Intervention": Weather-related and supply shortage emergencies.

"Exxon": The Exxon Oil Overcharge Settlement Trust Fund administered by the U.S. Department of Energy (DOE) in accordance with 10-CFR-440 (1987).

"Grant Agreement": The contractual agreement between the Department and Local Administering Agency, which includes the scope of work to be provided, the budget, and all terms and conditions of the contract.

"HHS": United States Department of Health and Human Services.

"Home Energy": A fuel used for space heating, space cooling, water heating, cooking or in electrical appliances in residential dwellings.

"Home Energy Provider Vendor": Any utility, municipal utility, cooperative utility, sole proprietorship, partnership, joint venture, corporation, company or other established business which provides primary and/or secondary energy, including fuel, to residential dwellings and has elected to participate in the LIHEAP REAPP. The primary energy provider vendor is a home energy provider vendor that provides the primary source of energy; and the secondary energy provider vendor is a home energy provider vendor that provides the secondary source of energy.

"Household": All individuals who occupy a dwelling unit. For the purpose of applicants receiving assistance under Section 100-110(b)(1) of this Part, a household shall be defined as those individuals whose names are listed as recipient(s) on the Public Aid Medical Eligibility Card issued by the Illinois Department of Public Aid (IDPA).

"Household Income": Gross income received by all members of the household who are residing in the household at the time of application. Under the Energy Assistance Act of 1989, household income will be calculated for the past 30 days. Households applying for Weatherization Assistance who have not been approved to receive energy assistance under the Low-Income Home Energy Assistance Act of 1981, will have their income calculated for the past 12 months, in accordance with 10 CFR 440 (1987 January 1, 1991 edition). For purposes of Section 100-110(c)(2) of this Part, "Monthly Household Income" means an amount not less than an amount prescribed in rates of the Department of Public Aid as the maximum payment level under

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General Assistance for the applicable household size in the applicable county, but in no instance shall mean less than \$144 per month (Section 67(4)(2)(v) of the Act). Income does not include the following:

Payments for vocational rehabilitation transportation and maintenance;

Reimbursement for medical expenses;

Payments made to others on the household's behalf provided that such payments were not directed by the household (i.e., bills paid or purchases made by others);

Loans (including student loans);

Scholarships, subsistence amounts or student grants;

Assets drawn down as withdrawals from a bank;

Sale of property;

Sale of house or car;

Tax refunds;

Gifts;

One-time insurance payments or compensation for injury;

Non-cash income;

One-time payments (e.g., death-related benefits, Circuit Breaker Benefits);

Foster-grandparents and Senior Companions stipends;

Foster-parent reimbursement;

Food Stamps;

Job Training Partnership Act (JTPA) benefits; and

Allowances, earnings and payments to individuals participating in programs under this Act.

"Kitchen Facilities": An area used to store and prepare food.

"Landlord": A person that receives payment for the rental of his/her

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dwelling unit.

"Local Administering Agency (LAA)": A community action agency or other community-based organization or unit of general purpose local government or public agency which is authorized, in accordance with Section 100.40, to administer low-income--home--energy--assistance program LIHEAP funds received from the Department.

"Low-Income Home Energy Assistance Act of 1981": Established by the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35, August 31, 1981), Title XXVI - Low Income Home Energy Assistance) and amended by the Augustus F. Hawkins Human Services Reauthorization Act of 1990 (P.L. 101-501, November 3, 1990).

"Multi-Unit Building": A structure containing two or more dwelling units.

"Owner Occupied Building": A building in which the owner is a permanent resident in the building.

"Pre-Program Arrearages":--The combined amount owed by the customer of record to that customer of record's home energy vendor(s) at the later of November 17, 1989, or the date upon which the customer of record first becomes a participant in either Option 27, Option 57, or Option 6 of Section 100.110(b);

"Primary Energy Source of Heat": The energy or fuel type which is the heat source for the central heating system of the residence, or if the residence is not centrally heated, the energy or fuel type which constitutes the principal source of space heating.

"Program Year": The period in time starting October 1 and ending September 30 in the following year.

"Public Utility": An entity which is defined as a public utility under Section 3-105 of the Public Utilities Act (Ill. Rev. Stat. 1989, ch. 111 2/3, par. 3-105) and is subject to regulation by the Illinois Commerce Commission (ICC).

"Rental Unit": A dwelling unit occupied by a person who pays rent for the use of the dwelling unit.

"Secondary Energy Source": Energy or fuel used for other than the primary source of heat.

"Separate Independent Living Quarters": Living quarters in which the household members do not live and eat with any other persons in the structure and which have:

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either direct access from the outside of the building or through a common hall and complete kitchen facilities for the exclusive use of the occupants.

"Shortfall":--Represents the difference between the billing for energy usage for any given billing period after a customer of record qualifies for participation in Option 5 and the customer of record's required percentage of income payment in accordance with Section 100-110(c)(2);

"Single-Family Dwelling Unit": A structure containing no more than one dwelling unit.

"State": The State of Illinois.

"Subgrantee": A Local Administering Agency managing an energy assistance or weatherization project which receives a grant of funds awarded under this Part from the State.

"Unit of General Purpose Local Government": Any city, county, town, village or township.

"Weatherization Materials":

- Caulking and weatherstripping of doors and windows;
- Furnace efficiency modifications, including, but not limited to:
 - replacement burners, furnaces and permanently installed space heaters (including wood/coal burning stoves), or boilers or any combination thereof;
 - devices for minimizing energy loss through heating systems, chimney or venting devices;
 - products to improve the efficient circulation of heated water or air throughout the dwelling unit (e.g., fan systems, piping, and duct work); and
 - electrical or mechanical furnace ignition systems which replace standing gas pilot lights;
- Clock thermostats;
- Ceiling, attic, wall, floor, and duct insulation;
- Water heater insulation;

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Storm windows and doors, multi-glazed windows and doors, heat-absorbing or heat-reflective window and door materials; and

The following insulating or energy conserving devices or technologies:

- Skirting;
- Items to improve attic ventilation;
- Vapor barriers;
- Materials used as a patch to reduce infiltration through the building envelope;
- Water flow controllers;
- Movable insulation systems for windows;
- Material to construct vestibules;
- Pipe and boiler insulation;
- Heat exchangers;
- Thermostat control systems;
- Replacement windows and doors;
- Materials used for water heater modifications which will result in improved energy efficiency;
- Hot water heat pumps;
- Waste heat recovery devices;
- Materials used for heating and cooling systems tune-ups, repairs, and modifications which will result in improved energy efficiency; and
- Materials used for boiler tune-ups, repairs, and modifications which will result in improved energy efficiency.

"Weatherization Project": A project conducted in a designated geographic area which undertakes the weatherization of dwelling units that are energy inefficient.

"Winter": The period from November 1 of any year through April 30 of

the following year (Section (3)(d) of the Act).

"Winter Energy Services": Home energy provided during the six-month period of November through April of the following year.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992.)

Section 100.40 Local Administering Agency Designation

a) The following local entities are eligible to apply for designation as LAAs under the LIHEAP REAPP:

- Any organization which was officially designated as a Community Action Agency under the provisions of Section 210 of the Economic Opportunity Act of 1964, as amended.
- Any non-profit private community organization determined by the Department to be capable of planning, conducting and administering an Energy Assistance or Weatherization Program according to the guidelines established by the Department in accordance with this Section.
- A unit or combination of units of general purpose local governments of the State.

b) In designating LAAs, the Department will comply with those rules and regulations set forth in 45 CFR 96 (1988 October 1, 1990 edition) and 10 CFR 440.15 (1987 January 1, 1991 edition) which provide the federal standards governing LAA selection for the Energy Assistance Program (the B-S--Department-of-Health-and-Human-Services--(HHS) and the U.S. Department of Energy (DOE) weatherization assistance program (funded by-BEP-and-Exxon-funds)). LAAs must be designated by the Department, in accordance with this Section, to operate the DOE and-Exxon funded programs component of the Illinois Home Weatherization Assistance Program (IHWAP) in order to be eligible to receive financial assistance for the IHWAP covered by this Part.

c) When designating LAAs to carry out LIHEAP REAPP, the Department shall give special consideration in the designation of such agencies to any local public or private non-profit agency which was receiving federal funds under any low-income energy assistance program or weatherization program, if the agency demonstrates that it meets the requirements of Section 2605 (a)(2)(b)(6) of Title VII of the Low-Income Home Energy Assistance Act of 1981. Special consideration shall mean: when service and accounting capability measures are compared and found to be equal or within 20% of equal, the specially considered agency will be selected.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992.)

Section 100.50 Grant Termination

If the Department determines that it is in the best interests of the program to revoke the designation of a LAA, the designation of a new administering agency shall be made by the Department in consultation with the government (or combination of governments) which has jurisdiction over the entire community to be served by the program. The determination of the "best interests" of the program will depend on the agency's success in complying with the grant agreement.

- Any LAA, either established (i.e., local designation and state recognition) under the LIHEAP Residential---Energy--Assistance Partnership-Program and/or Weatherization-Program IHWAP in accordance with the Low-Income Home Energy Assistance Act of 1981 will be awarded continuing program administering responsibilities in its established jurisdiction unless the following shall occur:
 - written communication to the Department stating its desire to discontinue operation of the program;
 - material failure by the LAA to comply with the Low-Income Home Energy Assistance Act of 1981, 10 CFR 440, 45 CFR 96, the provisions of the grant agreement, and the provisions of 47 Ill. Adm. Code 1 and 100. Material failure includes, but is not limited to, fraud, disallowance of costs which could render a LAA insolvent, and denial of access to records of grant-related transactions.
- Upon discovery of one of the conditions noted in subsection (a), the Department will take the following action:
 - The Department shall notify the LAA in writing of its initiation of the termination process and the reasons for termination. The notice will advise the LAA that, in accordance with this Part, it is entitled to a hearing. The LAA will be given fifteen (15) days from receipt of such notification to inform the Department that it wishes to exercise its right to a hearing. The hearing will be conducted within thirty (30) days of the original notification of initiation of the termination process. The notification shall also include:
 - a requirement that the LAA (in order to receive continued funding) shall agree to submit to a Department appointed official, throughout the termination process, to serve as a reviewer of all program-related expenditures which are reimbursable under Sections 100.70 and 100.260 of this Part) and which comply with the objectives and program activities specified in accordance with Subparts A and B of this Part; or
 - in the event the LAA does not agree to submit to the Department review specified in subsection (b)(1)(A), notice of funding suspension pending termination pursuant to this Part.
 - The services of a hearing officer, who must be an attorney licensed to practice law in Illinois under Article VII of the Illinois Supreme Court Rules (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 110A, pars. 701-774), will be obtained by the

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- 4) Any applicant requesting an informal conference shall be furnished the reason for the decision on the application and be allowed to review the documents leading to the decision prior to the informal conference.
- 5) The informal conference must:
- A) be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined;
 - B) be conducted by an LAA staff member who was not involved in the original decision (the LIHEAP REAPP coordinator may also attend);
 - C) be held within fifteen (15) calendar days of the receipt of request;
 - D) afford the applicant an opportunity to bring an interpreter and/or representative; and
 - E) allow the applicant to present oral and written testimony on his/her behalf.
- 6) The LAA will give the applicant a written statement at the end of the conference describing the result of the conference and citing the policy reasons for the decision. A copy of this report must be filed in the applicant's file.
- 7) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of the finding, process the application and notify the applicant and the home energy provider(s) vendor(s) in writing of the applicant's eligibility. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) vendor(s) within forty-eight (48) hours. In the event of a disapproval, the LAA shall provide the applicant with a Request for State Review Form. The request must specify the LAA at which the household applied for assistance, whether the LAA has held an informal conference, and the reasons for requesting a state review.

b) State Review

A request for state review must be filed with the Department within thirty (30) days after the informal conference. If the request is timely made, the Department will appoint a state reviewing officer who will review the applicant's file and the informal conference report. A written decision will be made. The request is considered made on the day the request is received by the Department (per the date stamp on the correspondence). The Department will notify the LAA that a request for state review has been filed. The LAA must, within five (5) days of the request for state review, provide both the Department and the applicant with a full copy of the applicant's file. A state reviewing officer will review the file to determine if the application contains all information required in Section 100.120(d) and all testimony presented at the informal conference. The state reviewing officer shall ascertain if the applicant was provided with a Request for State Review Form in accordance with subsection (a)(7) and

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Department, as will the services of a certified shorthand reporter under the Illinois Certified Shorthand Reporters Act of 1984 (Ill. Rev. Stat. 1989, ch. 111, pars. 6201 et seq.). Notice of the actual hearing time and date will be provided, with proof of receipt of notice, to both the LAA and grantor agency at least ten (10) days prior to the hearing. The cost of the certified shorthand reporter and the original transcript of the proceedings shall be borne by the Department. The LAA shall bear the cost of its copy of the transcript of proceedings.

- c) The hearing shall be conducted in accordance with 47 Ill. Adm. Code 10. The report of the hearing officer will be sent via registered mail to both parties within thirty (30) days of the hearing's completion.
- d) The Director of the Department will review the hearing officer's recommendation and will base his/her decision on findings of fact and conclusions of law that substantiate grant termination pursuant to this Section (see Section 100.50). The Department will notify the LAA in writing of the Department's final determination within thirty (30) days.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992.)

Section 100.85 Dispute Procedures

Applicants shall be provided with an opportunity for a fair administrative hearing when claims for energy assistance are denied or are not acted upon within prescribed timelines (see Section 100.120(ed)), or if the applicant disputes the amount or type of assistance granted. LAAs shall inform each applicant of their right to the appeals process. This Section does not apply to applicants for assistance under Options 1 through 3 found in Section 100.120(b)(1) through (f). Such applicants shall follow the dispute procedures outlined in 89 Ill. Adm. Code 100.200. The hearing and appeals process includes three levels of appeal: the informal conference, the state review, and the formal hearing.

a) The Informal Conference

- 1) This process consists of an initial informal conference held by a staff hearing officer of the LAA at which the applicant applied. This informal conference is designed to ensure that the applicant understands the reason(s) for the action taken by the LAA and to ensure that the application was processed in accordance with Section 100.120.
- 2) Any applicant receiving or denied energy assistance has a right to request an informal conference within thirty (30) days of receipt of a notice of a decision on the applicant's application.
- 3) Any applicant who has submitted a completed application but has not been notified of the application status within thirty (30) days of the date of a complete application, has a right to request an informal conference within sixty (60) days of the date the application was complete.

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determine if the informal conference decision regarding eligibility was correct (see Section 100.120 for eligibility criteria). This determination will be made and a letter sent to the applicant and the LAA within fifteen (15) days of the request for state review. In the event of finding in support of an applicant, the LAA shall approve and process the application or modify the assistance granted, and notify the applicant and the home energy provider(s) ~~vendor(s)~~ in writing within fifteen (15) days of notification of the finding from the State. In the case of an emergency assistance application, the LAA shall process the application and notify the applicant and the home energy provider(s) ~~vendor(s)~~ within forty-eight (48) hours of notification of the finding from the State. In the event of a disapproval, the State shall provide the client with a Request for Formal Review Form. The request must specify the LAA at which the household applied for assistance, whether an informal conference has been held, if the state review has been conducted and the household notified of the decision, and the reasons for requesting a formal hearing.

c) The Formal Hearing

If not satisfied with the results of the state review, the applicant must request a formal hearing by sending a written request to the Department who will notify the LAA that the request has been made by the applicant. This request must be received by the Department within thirty (30) calendar days of the date on which the state review letter was mailed by the Department. The Department will provide the applicant with a notice of the hearing in accordance with Section 10 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1989, ch. 127, par. 1010). The hearing will be conducted by a hearing officer, who has not participated in any earlier decision concerning this application, within thirty (30) days from the date the formal hearing request was received by the Department. The formal hearing will meet the following standards.

- 1) The hearing will be held at the application site closest to the applicant's residence or at the applicant's residence if they are confined.
- 2) The applicant will be afforded an opportunity to review his/her file.
- 3) The hearing will be tape-recorded.
- 4) The decision will be based on the record, which will comply with Section 11 of the Illinois Administrative Procedure Act and which will be made pursuant to the procedures set forth in Section 13 of the Illinois Administrative Procedure Act. The hearing officer will determine if the household is eligible in accordance with Section 100.120.
- 5) If requested by the applicant, the applicant will be provided interpretive and auxiliary services (e.g., transportation).
- 6) The applicant will have the right to:
 - A) be accompanied and/or represented by another;
 - B) present written and oral statements and other evidence in

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accordance with Section 12 of the Illinois Administrative Procedure Act;

- C) bring an interpreter; and
- D) present and question witnesses.

7) Within ten (10) days of the formal hearing, the state appeals review board shall send a written determination to the applicant and the LAA in accordance with Section 14 of the Illinois Administrative Procedure Act.

8) In the event of a finding in support of an applicant, the LAA shall, within fifteen (15) days of notification of the finding, process the application or modify the assistance granted and notify the applicant and the home energy provider(s) ~~vendor(s)~~ in writing of the applicant's eligibility. In the case of an emergency application, the LAA will process the application and notify the applicant and the home energy provider(s) ~~vendor(s)~~ within forty-eight (48) hours.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992.)

SUBPART B: ENERGY ASSISTANCE

Section 100.103 Energy Assistance Program

a) Implementation Implementation

This Part institutes the energy assistance program mandated by the Energy Assistance Act of 1989. This assistance program shall be known as the "Low Income Home Energy Residential--Energy Assistance Partnership Program" (LIHEAP REAPP).

b) Impacting Authorities IMPACTING-AUTHORITIES

The following authorities, among others, affect the implementation or operation of LIHEAP REAPP:

- 1) The Low-Income Home Energy Assistance Act of 1981 Omnibus-Budget Reconciliation-Act-of-1981-(P.B.--97-35) which affects eligibility requirements and the use of Low-Income Home Energy Assistance Block Grant funds used in LIHEAP REAPP.
 - 2) Article-IV-of--the-illinois-Public-Aid-Code-dealing-with-Aid-to Families-with-Dependent-Children.
 - 3) The-illinois-Residential-Affordable--Payment--Program--rules--f83 f11--Adm--Code-2017-which-cover-the-phase-out-of-benefits-under that-program.
 - 24) The Public Utilities Act and the rules applicable thereto (83 Ill. Adm. Code 280).
 - 3) The Energy Assistance Act of 1989.
 - c) Eligibility Requirements
- Any individual who is a resident of the State of Illinois and whose household income is not greater than 100% of the federal non-farm poverty level as established by the federal Office of Management and Budget (OMB) (or their successor in responsibility) is eligible to

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apply for benefits under LIHEAP REAPP.

- d) Application Initiation APPLICATION-INITIATION
Individuals may apply for assistance under LIHEAP REAPP at the local
Administering-Agency-(LAA) office serving the area in which the
applicant's dwelling unit is located. Individuals--applying--for
assistance--under--Status-Category-I-(APBC)-of-REAPP--shall--be--given--an
application--upon--request. A current list of LAA offices may be
obtained by calling or writing any office of the Department.

(Source: Amended at 16 Ill. Reg. 3940, effective
February 26, 1992)

Section 100.105 Allocation of Block Grant Funds

- a) The Department shall allocate financial assistance for each county
from sums available for any fiscal year from the Low Income Home
Energy Assistance Block Grant as described in the State's annual plan
to HHS.

- b) The Department shall determine allocations for each county from
available funds.

- 1) At least 50% of the funds available shall be allocated to each
county based on the "Index of Need".

A) The "Index of Need" is comprised of six factors which are:

- i) Unemployment;
- ii) Heating Degree Days;
- iii) Fuel Cost Factor Per 100,000 BTUs;
- iv) Persons in Poverty (125% of the Office-of-Management
and-Budget-(OMB) Poverty Income Guidelines);
- v) Elderly in Poverty (125% of OMB Poverty Income
Guidelines); and
- vi) Handicapped (or disabled) persons in Poverty.

B) Each factor will be multiplied by an assigned weight. The
formula for determining each of these factors and the weight
to be assigned to these factors is as follows:

- i) average number of unemployed persons per county
divided by total average number of unemployed persons
for State = unemployment (15%);
- ii) number of climatic heating degree days per county
divided by total climatic heating degree days for
State = heating degree days (5%);
- iii) estimated fuel cost per 100,000 BTUs per county
divided by total estimated fuel cost per 100,000 BTUs
for State = fuel cost factor per 100,000 BTUs (5%);
- iv) number of persons in poverty per county divided by
total number of persons in poverty for State = persons
in poverty (50%);
- v) number of elderly persons in poverty per county
divided by total number of elderly persons in poverty
for State = elderly in poverty (15%); and

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- vi) number of disabled persons in poverty per county
divided by total number of disabled persons in poverty
for State = handicapped (or disabled) in poverty
(10%).
- C) The sum of weighted factors will be multiplied by the total
amount allocated to the counties to determine the county's
allocation of funds.

- 2) The remaining funds shall be held by the State for meeting those
program contingencies which cannot be reasonably anticipated,
(e.g., an unusually high need for energy assistance in any given
county) and to meet the local agencies' administrative and/or
outreach needs.

- c) The Department shall increase or reduce the allocation for a county
for any of the following reasons:

- 1) Changes in federal or state fund availability.
- 2) Changes in sums available for any fiscal year from the Low Income
Home Energy Assistance Block Grant as described in the State's
annual plan to HHS.
- 3) The Department determines that the level of applications, which
are eligible under Section 100.120, differs from the local
agency's allocation, which is determined pursuant to subsection
(b), during the subgrant period for which financial assistance
was awarded.

- d) The Department shall make available one-third of the allocation for
any county for the provision of assistance described in Section
100.110(a)(1) or (2) to eligible applicant households who are
recipients of Aid to Families with Dependent Children (AFDC); General
Assistance (GA); Aid to Aged, Blind, and Disabled (AABD); or who have
incomes equal to or less than 50% (40% as of October, 1992) of the OMB
Poverty Guidelines.

- de) The Department shall notify the designated LAAs of the county
allocation(s) for which that agency is eligible to apply. Where no
agency has been designated, the county allocation(s) will be included
in a request for proposal which shall be publicly advertised in the
state newspaper and in at least one local newspaper within the area to
be served.

(Source: Amended at 16 Ill. Reg. 3940, effective
February 26, 1992)

Section 100.106 Allocation of Illinois Department of Public Aid Funds
(Repealed)

- a) The--Department--shall--allocate--Illinois--Department--of--Public--Aid--funds
to--designated--LAAs--to--operate--the--APBC--component--of--REAPP--in
accordance--with--Sections--100--110(b)(1)--and--100--110--of--this--Part--The
Department--shall--determine--BAA--allocations--for--administrative--costs
based--on--a--cost--sharing--ratio--The--Department--has--developed--a
methodology--to--allocate--the--total--administrative--costs--associated--with

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the servicing of REAPP (Block Grant and APBE) clients. This allocation methodology was developed utilizing administrative cost data from previous program years. Based upon this information, the BAA will be reimbursed for a share of total administrative costs incurred against REAPP activities (Block Grant and APBE). The cost sharing ratio will be 2:1; that is, for every three dollars (\$3.00) of total administrative cost incurred under REAPP activities, two dollars (\$2.00) will be allocated to the REAPP/Block Grant and one dollar (\$1.00) will be allocated to the REAPP/APBE Grant.

b) Payments to the eligible APBE households under the APBE component shall be made in accordance with Section 100.110(c) of this Part.

(Source: Repealed at 16 Ill. Reg. 3940, effective February 26, 1992.)

Section 100.110 Assistance Available

a) Assistance Options ASSISTANCE-CATEGORIES

All applicants eligible for assistance under LIHEAP REAPP as described in Section 100.120 must be eligible to receive assistance under one of the following options status categories:

- 1) STATUS-CATEGORY-1--as a recipient of public assistance pursuant to Section 4.1 of the Illinois Public Aid Code; in which case the applicant may obtain assistance under options 1, 2, 3, or 4--of subsection (b)--and subject to the Status-Category-1 Procedures (Applicants on APBE) of Section 100.117--and other applicable provisions of this Part;
- 2) STATUS-CATEGORY-2--as a non-recipient of public assistance pursuant to Section 4.1 of the Illinois Public Aid Code; in which case the applicant may obtain assistance under options 4, 5, 6, 7, or 8--of subsection (b) and subject to the Status-Category-2 Procedures (Applicants not on APBE--Assistance--Block-Grant Pending)--of Section 100.113--and other applicable provisions of this Part;

b) ASSISTANCE-Options

1) APBE-Recipients

An eligible applicant who is a recipient of public assistance pursuant to Section 4.1 of the Illinois Public Aid Code may receive energy assistance under one of the following options:

A) OPTION-1

- 1) if the applicant is not a customer of record of a home energy vendor for winter energy services, and is not an applicant for winter energy services from a home energy vendor; and, has housing rental expenses greater than 30% of his/her household income;
- 2) if the applicant shall receive one direct cash payment as prescribed in Section 100.100 Appendix B--per program year;

3) if the applicant is not a customer of record of a home energy vendor for winter energy services, and is not an applicant for winter energy services from a home energy vendor; and, has housing rental expenses greater than 30% of his/her household income;

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applicable requirements of this Part--the applicant must provide verification of rental expenses, and attest that he/she is not a customer of record of applicant for winter energy services from a home energy vendor;

B) OPTION-2

- 1) if the applicant is the customer of record of a home energy vendor for winter energy services; or, is an applicant for winter energy services from a home energy vendor; and, is listed as a recipient on the Illinois Department of Public Aid (IDPA) Medical Eligibility Card; and elects to participate in the 90% average program;

2) if the applicant shall have the account or accounts of the home energy vendor(s) serving the applicant credited in each winter month in an amount prescribed in Section 100.100 Appendix P--in no case may the amount credited be greater than the actual amount of the applicant's bills for winter energy services; or be entitled to have his/her pre-program arrearages for home energy reduced as provided in subsection (c) 3); if the applicant's pre-program arrearages (defined in Section 100.30) are \$500 or more at the time of completed application;

3) if the applicant is not a customer of record of a home energy vendor for winter energy services, and is not an applicant for winter energy services from a home energy vendor; and, is listed as a recipient on the Illinois Department of Public Aid Medical Eligibility Card; and, has received a notice of disconnection; or has had his/her utilities disconnected by action of the home energy vendor; and, has declined to participate in the 90% average program;

4) if the applicant is a customer of record of a home energy vendor for winter energy services, and is an applicant for winter energy services from a home energy vendor; and, is named as a recipient on the Illinois Department of Public Aid Medical Eligibility Card; and, has received a notice of disconnection; or has had his/her utilities disconnected by action of the home energy vendor; and, has declined to participate in the 90% average program;

C) OPTION-3

- 1) if the applicant is a customer of record of a home energy vendor for winter energy services, and is an applicant for winter energy services from a home energy vendor; and, is named as a recipient on the Illinois Department of Public Aid Medical Eligibility Card; and, has received a notice of disconnection; or has had his/her utilities disconnected by action of the home energy vendor; and, has declined to participate in the 90% average program;

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assistance program payment for each winter month in the amount prescribed in Section 100-Appendix-B, in no case, however, may the payments during the winter be greater than the actual amount of the bills for winter energy services.

*** SUBBEG-90 the following conditions and other applicable requirements of this Part, the applicant must, except for the first payment under this option, provide proof (as a condition precedent to any further payments) that an amount equal to or greater than the last payment received under this option has been paid to the home energy vendor(s) and applied to the applicant's account.

2) Non-APBG-Recipients

An eligible applicant who is not a recipient of public assistance pursuant to Section 4-1 of the Illinois Public Aid Code may receive energy assistance under one of the following options:

1A) Option 1 OPTION-4

A) If the applicant is not a customer of record of a home energy provider vendor for winter energy services; and, is not an applicant for winter energy services from a home energy provider vendor; and, has housing rental expenses greater than 30% of his/her household income,

B) Then the applicant shall receive one direct cash payment as prescribed in Section 100-Appendix AB per program year,

C) Subject to SUBBEG-90 the following conditions and other applicable requirements of this Part, the applicant must provide verification of rental expenses, and attest that he/she is not a customer or applicant for winter energy services from a home energy provider vendor.

B) OPTION-5

*) If the applicant is the customer of record of a public utility for winter energy services; or is an applicant for winter energy services from a public utility; and elects to participate in the 120 program; THEN the applicant shall have paid to the public utility(ies) providing winter energy service an amount sufficient to cover the applicant's Shortfall on his/her winter month bills; be entitled to have his/her pre-program arrearages for home energy reduced as provided in subsection (c)(3); if the applicant's pre-program arrearages (defined in Section 100-90) are \$500 or more at the time of completed application;

*** SUBBEG-90 the following conditions and other applicable requirements of this Part, the applicant must, comply with the requirements of the 120 program (as stated in subsection (c)(2)); and, make all reasonable efforts to apply to any other appropriate

source of public energy assistance; and, sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer, whether public or private; and when moving from one residence to another notify the old and new home energy vendor(s) and the BAA of the change of address and of the fact of their participation in the program.

C) OPTION-6

*) If the applicant is the customer of record of a home energy vendor not regulated by the ICG for winter energy services; or is an applicant for winter energy services from a home energy vendor not regulated by the ICG; and elects to participate in the 90% average program;

*) THEN the applicant shall have the account of the accounts of the home energy vendor(s) serving the applicant credited for the winter months in an amount prescribed in Section 100-Appendix P, in no case may the amount credited be greater than the actual amount of the applicant's bills for winter energy services; be entitled to have his/her pre-program arrearages for home energy reduced as provided in subsection (c)(3); if the applicant's pre-program arrearages (defined in Section 100-90) are \$500 or more at the time of completed application;

*** SUBBEG-90 the following conditions and other applicable requirements of this Part, the applicant must, comply with the requirements of the 90% average program as stated in subsection (c)(1); make all reasonable efforts to apply to any other appropriate source of public energy assistance; sign a waiver permitting the Department to receive income information from any public or private agency providing income or energy assistance and from any employer, whether public or private; and when moving from one residence to another notify the old and new home energy vendor(s) and the BAA of the change of address and of the fact of their participation in the program.

2B) Option 2 OPTION-7

A) If the applicant or member of the applicant's household is the customer of record of a home energy provider vendor for winter energy services; or, has a household member who is an applicant for winter energy services from a home energy provider vendor; and elects not to participate in the 120 program,

B) Then when a one-time direct vendor payment will be made to

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the home energy provider(s) vendor(s) per program year on behalf of the applicant in the amount prescribed by Section 100. Appendix A. E. If the home energy provider(s) fails to sign a Vendor Agreement, then a two-party check will be sent to the applicant.

3) At-Risk-Applicants

An eligible applicant may receive energy assistance under Option 3 OPTION-0 (Emergency Assistance ENERGY-ASSISTANCE):

- A) If the applicant is a customer of record of a home energy provider vendor for winter energy services, and, was receiving home energy provider services but is now disconnected,
- B) Then when the applicant shall receive emergency assistance consisting of an amount up to the minimum amount needed to reconnect and/or establish service to the applicant, but in no case shall such assistance exceed \$500 750 during a program year,
- C) Subject to SUBBEE-00 the emergency assistance program requirements (as provided in subsection b)(2) text(4)).

b) Explanation of Benefits EXPANATION-OF-BENEFITS1) 90%-AVERAGE-PROGRAM

An applicant who elects to participate in the 90%-average program must:

- A) pay during the winter months the difference between the actual home energy bill(s) for services provided during each month and the 90%-adjusted average winter energy cost detailed in Section 100. Appendix P that will be paid by the Department;
- B) pay his/her full home energy bill during the non-winter months;
- C) pay 65 per month year round toward his/her arrearages until the arrearage balance is zero;
- B) pay during the winter months one-sixth of any outstanding deposit requested at the time of application;

2) 12%-PROGRAM

- An applicant who elects to participate in the 12%-program must:
- A) pay during the winter months the appropriate percentage of monthly household income under subsections (i) and (ii) below; and in addition the amounts determined under subsections (i)(2)(A)(i)(ii)(iv) and (iv) below:
- i) 12% of the monthly household income to the public utility which provides the customer's primary source of heat and secondary home energy service; or
- ii) 6% of the monthly household income to the public utility which provides the customer's primary source of heat and/or 4% of the monthly household income to the public utility which provides the secondary home energy service; and in addition:
- iii) during the winter months one-sixth of any outstanding

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- deposit requested at the time of application; and
- iv) a total amount of five dollars (\$5) each month of the calendar year to be applied against any outstanding pre-program arrearages until the time that such arrearages are retired to a balance of zero (\$0); and
- v) beginning November 17, 1997, applicants participating in Option 5 of subsection (b)(7) shall pay for all energy usage above typical residential usage, adjusted for weather, unless the applicant has a medical excuse as certified to the home energy vendor by a licensed physician or local Board of Health; the Department shall promulgate standards to be used in calculating typical residential usage pursuant to the requirements of this subsection;
- B) Pay monthly during the period from May 1 through October 31 the greater of the amounts required by subsections (i)(2)(B)(i) and (ii) below; and in addition, the amount required by subsection (i)(2)(B)(iii) below:
- i) the appropriate percentage of monthly household income in the manner specified in subsections (i)(2)(A)(i) and (ii); or

- ii) the current home energy bill or bills; and
- iii) a total amount of five dollars (\$5) each month of the calendar year to be applied against any outstanding pre-program arrearages until the time that such arrearages are retired to a balance of zero (\$0); and
- C) Provide proof of eligibility annually between September 1 and October 31 after beginning participation in the program pursuant to the requirements of Section 100.113(a)(9) of this Part;

3) PRE-PROGRAM-ARRARAGE-REDUCTION

- The home energy vendor(s) of applicants who are entitled to pre-program arrearage reduction (subsection (b)(1)(B)) Option 2 and subsection (b)(2)(B) Option 5 and Option 6 shall each program year be paid by the Department an amount equal to 1/5 of the applicant's pre-program arrearages less \$60; Payment for pre-program arrearages shall be credited by the home energy vendor receiving the payments to the account of the applicant where the arrearages are posted; the home energy vendor will notify the Department of the applicant's pre-program arrearage at the same time as the home energy vendor submits its first request for payment to the Department;

1) Energy Assistance ENERGY-ASSISTANCE

- A) Assistance under Option 1 will be limited to a one-time cash payment, in accordance with Section 100. Appendix A, that will be sent directly to the applicant.
- B) Assistance under Option 2 will be limited to a one-time payment, in accordance with Section 100. Appendix A, that will be sent to the energy provider(s) if such provider(s)

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signs a vendor agreement with the Department in which they agree to comply with the terms and conditions of the LIHEAP. If the energy provider(s) fails to sign a vendor agreement, then a two-party check will be sent to the applicant.

24) Emergency Assistance Program Requirements EMERGENCY-ASSISTANCE PROGRAM-REQUIREMENTS

A) Assistance under Option 3 8 will be limited to the provision of energy assistance funds designed to help applicants obtain a continuous supply of home energy and expedited processing. Emergency Assistance will be provided only after an applicant has actually been disconnected. Assistance under Option 8--will--in--no--case--be--used--to compensate--for--any--REAPP-obligations--that--the--applicant--had previously--agreed--to--pay--after--November--17--1990. Emergency Service assistance will be provided within 48 hours from the date the client application is complete (all client documentation has been submitted); 18 hours if the energy crisis is life threatening.

B) An emergency payment will not be made on behalf of an applicant unless the household makes a good-faith effort at maintaining service at the time of reconnection. A good-faith effort is defined as the applicant making payment to the household's home energy provider(s) vendor(s) of not less than ten twelve percent of the applicant household income during the previous 90-day period. Prior heating assistance payments received by the home energy provider vendor under REAPP will not be counted as a contribution to the good-faith effort. An applicant who has failed to make a good-faith effort will be required to provide an amount not to exceed ten twelve percent of the applicant household income for the previous 90-day period toward the amount needed for reconnection at the time of reconnection. The 10% rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.

C) The amount of emergency assistance will be an amount up to the minimum amount needed to re-establish the applicant. In no case will the amount of emergency energy assistance exceed the total amount owed by the applicant. The applicant may only receive assistance under Option 3 8 one time for the primary home energy provider vendor and/or one time for the secondary home energy provider vendor during the program year. The maximum total benefit (for primary and/or secondary home energy provider(s) vendors) under Option 3 8 will in no case exceed \$500 756.

D) In order to carry out this option, the Department will utilize delegate agencies and/or LAAs to provide assistance.

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d) VERIFICATION-OF-RENTAL-EXPENSES

Rental---expenses---may---be---verified---by---documentation---in---the---form of---lease/rental---agreement---current---rent---receipt(s)---verification letters---from---the---applicant's---landlord---or---authorized---property---manager.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 100.111 Status Category 1 Procedures (Applicants on Aid to Families with Dependent Children (AFDC) Assistance) (Repealed)

a) Application and Enrollment

1) Applications for assistance under this Section shall be submitted to and processed on a full-time basis by the LAAs between November 1 and April 30, subject to State appropriations. If the Department chooses to automatically recertify eligibility from the prior year's program, all eligible applicants shall be enrolled. If there have been no changes in the applicant's status to 999-BPA-eligibility household size change of residency etc., from the prior year, Automatic recertification and enrollment for this program shall be dependent upon the availability of State appropriated funds and the compatibility of Department and BPA computer systems.

2) The applicant household is eligible to receive the full benefit as described in Section 100-Appendix B for the winter period if they received APBG cash assistance from BPA during the winter 90-apply for assistance the applicant must submit a completed BPA application form Request for REAPP Payment to the BAA. The BAA shall either approve or disapprove a completed application within 30 days of its receipt and in the event of approval shall within the same 30 days notify the applicant locally BPA officer and the home energy vendor electronically or in writing of the applicant's eligibility. If the application is incomplete at the time of its receipt, the BAA shall notify the applicant in writing at the time of its receipt of the application of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days of the date of the notification letter. If the BAA disapproves an application, it shall within 30 days of receipt of the completed application notify the applicant in writing of such disapproval and reasons for disapproval and such notification must also apprise the applicant of the dispute resolution procedures set forth in 09-III-Adm-Code 102.80. If within 30 days of receipt of a completed application the BAA does not send notice either approving or disapproving an application, the applicant shall be permitted to pursue the dispute resolution procedure set forth in 09-III-Adm-Code 102.80 or to submit a new application.

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- 3) When the home energy vendor receives written or electronic notice of a customer of record's eligibility for assistance under Option 2 (as described in Section 100-110(b)(1)(B)), the home energy vendor shall place the customer of record on the option within 30 days. During that period, the home energy vendor shall not disconnect the customer of record for nonpayment. If a customer of record's service is disconnected during that period, service shall be restored without penalty as soon as a practitioner and in no event later than as provided in 03-111-Adm-Code 200-130(f).
- 4) A home energy vendor may refuse to accept the notice of eligibility referred to in subsection (a)(1) above if it pertains to a person who is not the customer of record, if it contains an incorrect account number, or if the customer of record has failed to sign the Department's "Residential Energy Assistance Partnership Program" agreement form which lists the applicant's responsibilities as detailed in Section 100-110(b)(1)(B)(iii). If the home energy vendor does not accept the notice of an applicant's eligibility, the home energy vendor must notify the applicant, the Department, and the EAA in writing within 14 days of the home energy vendor's receipt of the notice that the applicant's enrollment was rejected, the reason for the rejection and what the applicant must do prior to the home energy vendor accepting the enrollment. The notification must also apprise the applicant of the availability of the dispute resolution procedures listed in Section 100-05 of this Part. The home energy vendor's notice must give the applicant 14 days from the postmark date of the notification to eliminate the reason for rejection. During the 14-day period following the postmark date, the home energy vendor shall not disconnect a customer of record for non-payment.
- 5) Each home energy vendor shall inform all residential customers of record by October 17 of each year of the availability of the program set forth in this Subpart.
- 6) All written notices of disconnection issued to residential customers of record pursuant to 03-111-Adm-Code 200- or the company's normal credit collection practices shall include information regarding the availability of assistance provided by this Part.
- 7) Default Provisions
- A) A customer of record who defaults on payment under Option 2 may be removed from the option by the customer of record's home energy vendor(s). Unless the customer of record is disconnected under subsection (a)(1)(B), the customer of record will still be eligible to receive benefits as described in this Section. The customer of record shall be reinstated by paying all amounts due the customer of record's home energy vendor(s) except for pre-program arrearages. A customer shall only be reinstated pursuant

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- to this subsection two times in any program year:
- B) A customer of record who defaults on payment under Option 2 may be disconnected by the customer of record's home energy vendor(s) under 03-111-Adm-Code 200- or normal credit practices unless reinstated under subsection (a)(1)(A) before disconnection. A customer of record disconnected under this subsection shall have only one opportunity in any program year to be reconnected and participate further in the option. In order to be reconnected and reinstated, the former customer of record shall pay all amounts due the customer of record's home energy vendor(s) except for pre-program arrearages. For the period during which the customer of record was disconnected, the customer of record shall receive no benefits of the option.
- C) A customer of record who voluntarily leaves Option 2 may be reinstated for assistance under the option only two times in any program year, and only if the customer of record has paid all amounts due the customer of record's home energy vendor(s) except for pre-program arrearages.
- B) A customer of record participating in Option 2 may be removed from the option for failure to abide by the provisions of Section 100-110(f)(1) but only after the home energy vendor has provided written notice of the pending removal and the customer of record has failed to respond in accordance with the notice. The notice must allow the customer of record to satisfy the payment provisions of Section 100-110(f)(1) by making payment of the past due amount by a specified date which shall be no less than 5 days after the delivery of the notice or 8 days after mailing of the notice, and
- B) A customer of record who complies with the provisions of a notice issued under subsection (a)(1)(B) shall be deemed not to have defaulted under subsection (a)(1)(B) and shall not be removed from the option for the reasons which were the subject of the notice.
- b) Event of Default
- Failure by the participating customer of record to comply with the requirements set forth in this subsection shall constitute a default under Option 2.
- c) APBE Payment Process (Status-Category-1)
- 1) Eligible applicants pursuant to Options 1 and 3 will receive a direct cash payment for energy assistance. This payment will be made in accordance with appropriate interagency or grant agreements by either the Department, the EAA, or the IBPA.
- 2) Eligible applicants pursuant to Option 2 will receive assistance provided on their behalf by the IBPA to the applicant household's home energy vendor(s) equal to 90% of the adjusted average winter energy costs detailed in Section 100-Appendix P. Payment shall be made as follows:

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A) Public-utilities--which-credit-the-accounts-of-customers-of record-who-are-eligible-for-assistance-in--accordance-with Option-2--shall-be-compensated-by-the-IDPA-for-such-credits on-a-month-by-month-basis--Such-compensation-shall-be-made within-60-days-of-the-Department's-receipt-of-the-public utility's-request-for-payment--in-order-to-receive-payment on-the-applicant-household's-behalf-the-public-utilities must-submit-a-request-for-payment-to-the-Department--the public-utilities may-submit-a-request-for-payment--for winter-energy-services-as-often-as-once-a-monthy-but-in-no case-less-than-once-for-the-entire-winter-season--to-be submitted-to-the-Department-not-later-than-June-30-following the--end-of-such-winter-season--The-Department-will determine-the-actual-payment-after-analyzing-the-request-for payment-for-compliance-of-applicant--eligibility--in accordance-with-this-Part--The-IDPA-will-pay-the-public utilities--submitting-the-aforementioned-request--per month-the-leaser-of-the-actual-bill-or-one-sixth-of-the-90% of-the-adjusted-average-winter-energy-cost-specified-in Section-100-Appendix-P--Monthly-payments--to--public utilities--may-be-greater-than-the-one-sixth-amount-if during-any-winter-months-the-monthly-payment-was-less-than the-one-sixth-amount--in-no-case-at-the-end-of-the-six winter-months-will-payment-exceed-90%-of-the-adjusted average-winter-energy-cost-specified-in-Section-100-Appendix P--The-applicant's-account-shall-be-posted/credited-with-the payment-within-30-days-of--the-public-utility's--receipt thereof--

B) Home-energy-vendors--not-regulated-by-the-IDC-which-credit the-accounts-of-customers-of-record-who-are-eligible-for assistance-in-accordance-with-Option-2-shall-be-compensated by-the-IDPA-for-such-credits--Such-compensation-shall-be made-within-60-days-of-the-Department's-receipt-of-the-home energy-vendor's-request-for-payment--in-order-to-receive payment-on-the-applicant-household's-behalf-the-home-energy vendors--must-submit-a-request-for-payment-to--the Department--The-home-energy-vendors may-submit-a-request for-payment--for-winter-energy-services-as-often-as-once-a monthy-but-in-no-case-less-than-once-for-the-entire-winter season--to-be-submitted-to-the-Department-not-later-than June-30-following-the-end-of-such-winter-season--The Department-will-determine-the-actual-payment-after-analyzing the-request-for-payment-for-compliance-of-applicant eligibility-in-accordance-with-this-Part--The-IDPA-will-pay the-home-energy-vendors--submitting-the-aforementioned request--of-the-leaser-of-the-actual-bill-or-the-full-winter benefit--of-the-adjusted-average-winter-energy-cost specified-in-Section-100-Appendix-P--in-no-case-at-the-end of-the-six-winter-months-will-payment-exceed-90%-of-the

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adjusted-average-winter-energy-cost-specified-in-Section 100-Appendix-P--The-applicant's-account-shall-be posted/credited-with-the-payment-within-30-days-of-the-home energy-vendor's-receipt-thereof--

d) Category-1--APBE-Reporting
1) Each-home-energy-vendor-which-received-payment--from--the Department--for-pre-program-arreages-shall-pursuant-to-Section 11b)-of-the-Act-monitor-the-energy-usage-of-the-applicant-on whose-behalf-such-payment-was-made-and-report-to-the-Department on-such-usage--

2) Each-regulated-utility-shall-report-annually-to-the-Illinois Commerce-Commission-the-amounts-received-from-the-Department-for pre-program-arreages-pursuant-to-Section-11c)-of-the-Act--

3) Close-Out/Final-Audit-Report

Each-home-energy-vendor-who-receives-an-aggregate-total-in-excess of-\$100,000-in-REAP-funding-attributable-to-any-program-year must-undergo-an-audit-for-that-program-year-by-a-certified independent-accountant-to-substantiate-the-total-amount-requested for-credits-it-extended-during-the-previous-winter--under-Option 2--A-copy-of-the-audit-report-must-be-submitted-to-the Department--The-audit-report-shall-specify-what-information-was audited--the-procedures-performed--the-home-energy-vendor's compliance-with-the-provisions-set-forth-in-this-Section--and-the auditor's-findings--The-supporting-work-papers-for-the-audit shall-be-made-available-to-Department-staff-for-review--The audit-shall-be-submitted-no-later-than-the-15th-of-September following-the-winter-covered-by-the-audit--the-audit-shall include-the-independent-accountant's-opinion-regarding--the validity-of-the-amount-requested-from-the-Department--

(Source: Repealed at 16 Ill. Reg. 3940, effective February 26, 1992)

Section 100.113 Status-Category-2-Procedures--{applicants-not-on-APBE Assistance --Block-Grant-funding}

a) Application and Enrollment

1) Applications for assistance under-this-Section shall be submitted to and processed on a full-time basis by LAAs between October 1 and April 30 or until program funding is depleted. Between October 1 and October 31 only applicants that are elderly or disabled, and/or applicants that have been disconnected from their primary and/or secondary home energy provider vendor may submit an application for assistance under-this-Section. During the-remainder-of-the-year-such-applications-will-be-processed-by the-agency-at-least-two-days-per-week--subject-to-state appropriations--

2) The-applicant-household-is-eligible-to-receive-monthly-benefits beginning-in-the-month-in-which-such-applicant-submits-a

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- rejection and what the applicant must do prior to the home energy provider vendor accepting the enrollment. The notification must also apprise the applicant of the availability of the dispute resolution procedures set forth in Section 100.85. The home energy provider's notice must give the applicant 14 days from the postmark date of the notification to eliminate the reason for rejection. During the 14-day period following the postmark date, the home energy provider vendor shall not disconnect a customer of record for non-payment.
- 5) Each home energy provider vendor shall inform all residential customers of record by October 1, of each year, of the availability of the program provided for in this Part.
- 6) All written notices of discontinuance issued to residential customers of record pursuant to 83 Ill. Adm. Code 280 or the company's normal credit collection practices shall include information regarding the availability of the program provided for in this Part.
- 7) Except as provided in Section 100.110(c)(2), no home energy vendor may require payment by any individual at any time of any amount attributable to shortfalls incurred by that individual as a result of participation in Option 5. The home energy vendor shall maintain the shortfall amount on each participating customer so that energy assistance funds may be applied as required by subsection (c)(2).
- 8) **Default Provisions**
- A) A customer of record who defaults on payment under Option 5 or 6 pursuant to the notice issued under this Section may be removed from the option. Unless the customer of record is disconnected under subsection (a)(1)(B), the customer of record shall be reinstated by paying all amounts which would have been due under the terms of the option. A customer of record shall only be reinstated pursuant to this subsection two times in any program year.
- B) A customer of record who defaults on payment may be disconnected by the customer of record's home energy vendor under 83 Ill. Adm. Code 280 or the company's normal credit collection practices unless reinstated under subsection (a)(1)(A). Before disconnection, a customer of record disconnected under this subsection shall have only one opportunity in any program year to be reconnected and participate further in the option. In order to be reconnected and reinstated, the former customer of record shall fully comply with the applicable reconnection provisions contained in 83 Ill. Adm. Code 280. A former customer of record reconnected under this subsection will be deemed to have the same income as at the time of disconnection unless the recertification required by subsection (a)(9) has come due in which case the newer income amount will be used to determine eligibility for the

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- completed application to the LAA. The LAAs shall either approve or disapprove a completed application within 30 days of its receipt and, in the event of approval, shall within the same 30 days notify the applicant and the applicant's home energy provider vendor electronically or in writing of the applicant's eligibility. If the application is incomplete at the time of its receipt, the LAA shall notify the applicant in writing at the time of its receipt of the application, of all the information required from the applicant to complete the application. The applicant shall submit the additional information necessary to complete the application within 15 days of the date of the notification letter. In the event an applicant fails to submit the application in a timely manner or fails to submit all information necessary to complete the application, the LAA may disapprove the application. If the LAA disapproves an application, it shall within 30 days of receipt of the completed application notify the applicant in writing of such disapproval and reasons for disapproval and such notification must also apprise the applicant of the dispute resolution procedures set forth in Section 100.85. If within 30 days of receipt of a completed application, the LAA does not send notice either approving or disapproving an application, this shall be deemed a denial of the application and the applicant shall be permitted at the applicant's election, either to pursue the dispute resolution procedure set forth in Section 100.85 of this Part or to submit a new application.
- 3) When the home energy provider vendor receives written or electronic notice of a customer of record's eligibility for assistance under Option 5 or 6 (as described in Section 100.110(b)(2)(B) and (c)), the home energy provider vendor shall place the customer of record on the option within 30 days. During that period, the home energy provider vendor shall not disconnect the applicant customer of record for nonpayment. If an applicant's a customer of record's service is disconnected during that period, service shall be restored without penalty as soon as is practicable, and in no event later than as provided in 83 Ill. Adm. Code 230.130(f).
- 4) A home energy provider vendor may refuse to accept the notice of eligibility referred to above if it pertains to a person in the household who is not the customer of record, or if it contains an incorrect account number or if the customer of record has failed to sign the Department's Residential Energy Assistance Partnership Program agreement form which lists the applicant's responsibilities as detailed in Section 100.110(c)(1) and (2). If the home energy provider vendor does not accept the notice of an applicant's eligibility, the home energy provider vendor must notify the applicant, the Department, and the LAA in writing within 14 days of the provider's vendor's receipt of the notice that the applicant's enrollment was rejected, the reason for the

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Option and the amount of monthly payments.
 e) A customer of record who voluntarily leaves Option 5 or 6 may be reinstated only two times in any program year and only if the customer of record has paid or pays in full the greater of:

- 1) all monthly bills incurred during the period the customer of record was off the option; or
- 2) the amounts that would have been due under Section 100.110(c)(2) to avoid disconnection had the customer of record stayed on the option.

B) A customer of record participating in Option 5 or 6 may be removed from assistance for failure to abide by the provisions of subsection (b) and Section 100.110(c)(1) or (2) but only after the home energy vendor has provided written notice of the pending removal and the customer of record has failed to respond in accordance with the notice. The notice must allow the customer of record to satisfy the payment provisions of Section 100.110(c)(1) or (2) by making payment of the past due amount by a specified date which shall be no less than 5 days after delivery of the notice or 9 days after mailing of the notice, and

B) A customer of record who complies with the provisions of a notice issued under subsection (a)(1) shall be deemed not to have defaulted under this subsection and shall not be removed from the option for the reasons which were the subject of the notice.

9) Recertification

A) In accordance with subsection (a)(6), the home energy vendor shall send a notice to each customer of record participating in Option 5 or 6 not later than September 1 advising the customer of record that he/she must apply to be recertified by the Department or he/she will be removed from the option. Between September 1 and October 26, the Department shall send a notice to each participating customer of record who has not applied for recertification reminding the customer of record that he/she must apply to be recertified. In order for the customer of record to remain eligible for the option, a final determination granting recertification must be made by November 1.

B) If a home energy vendor learns as a result of the annual recertification process described in this Section that a customer of record's household income has increased or decreased, but the customer of record is still eligible for participation in Option 5, the home energy vendor shall within 30 days of learning of the change adjust the customer of record's monthly payments in a manner consistent with subsections (c)(1) and (2).

b) Event of Default

Failure by the participating customer of record to comply with the

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requirements set forth in this Section shall constitute a default as set forth in Option 5 or 6.

bc) Non-APBE Payment Process (Status-Category-2)

1) Eligible applicants pursuant to Option 14 (as described in Section 100.110(a)(b)(2)(A)) will receive a direct cash payment for energy assistance in accordance with Section 100.110 Appendix A. This payment will be made, in accordance with appropriate grant agreements, by either the Department or the LAA.

2) To the extent that a public utility experiences a shortfall because the amounts received by the public utility pursuant to Option 5 are less than the actual amounts incurred for heating or electric service rendered by the public utility, the public utility shall be compensated by the Department for such shortfall. Such compensation shall be made on a month-by-month basis and the Department shall pay 90% of the amount obtained by the public utility for a month within 60 days of the Department's receipt of the public utility's application therefor.

A) By September 15 of each year, each public utility which during the previous winter incurred shortfalls under Option 5 shall be reimbursed by the Department for all such shortfalls for which the public utility has not previously been paid.

B) In order to receive payment on the applicant household's behalf, the public utility must submit a request for payment to the Department. The public utility may submit a request for payment of shortfalls as often as once a month but in no case less than once for the entire winter season. To be submitted to the Department not later than July 15 following the end of such winter season, the Department will determine the actual payment after analyzing the request for payment for compliance of applicant eligibility in accordance with this Part. The applicant's account shall be posted/credited with the payment within 30 days of the public utility's receipt thereof.

C) Shortfalls or client percentage of income amounts that result in a credit on the applicant's account shall remain on that account to offset future shortfalls if the applicant is removed from the program through default or by voluntary action; then any credit may be used to cover any amounts that account previously owed. Any credit remaining on the account after applicable pre-program arrearage and deposit amounts have been reimbursed shall remain on such account or be subject to normal credit practices of the home energy vendor. In order to be reinstated on Option 5 of the program, the applicant must repay the amount of such credit that existed at the time of removal from the option in addition to any amounts owed under Section 100.110(a)(8).

3) A home energy vendor which credits the accounts of customers of

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compliance with the provisions set forth in this Section and the auditor's findings. The supporting work papers for the audit shall be made available to the Department staff for review. The audit shall be submitted no later than the 15th of September following the winter covered by the audit. The audit shall include the independent accountant's opinion regarding the validity of the amount requested from the Department.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992.)

Section 100.115 Cooling Assistance

a) A LIHEAP REAPP Cooling Assistance option may be operated by the Department only if unused heating assistance funds are available as of July 1 of the LIHEAP REAPP program year. This option will provide eligible households with financial assistance to help meet the costs of cooling a residence. The following types of cooling assistance can be provided:

- 1) Direct Client Assistance (DCA) payments to electric utilities home energy provider(s) on behalf of income-eligible households (see Section 100.120) which contain a member with a documented, medically necessitated need for cooling in accordance with subsections (b) and (c);
- 2) DCA payments to income-eligible households which pay their electric bill as part of rent and contain a member with a documented, medically necessitated need for cooling in accordance with subsections (b) and (c); and
- 3) The purchase of fans by a Local Administering Agency (LAA) for income-eligible households which have a medically necessitated need for cooling (in accordance with subsections (b) and (c)) and do not currently own a fan.

A) For purposes of the cooling option, the definition of fan is: a portable electric fan costing less than \$50. Ceiling fans and/or fans requiring installation are not acceptable purchases.

B) The cost of the fan is to be included in the household maximum annual LIHEAP REAPP payment level.

C) A form must be developed by each LAA, documenting the need for a fan and must be signed by the applicant at the time of application.

b) To receive cooling assistance a household must be determined income eligible in accordance with the process described in Section 100.120. Additionally, the household must contain at least one member experiencing a medical condition that can be ameliorated by cooling. Medical conditions which qualify for assistance include:

- 1) severe obstructive lung disease (e.g., asthma and emphysema),
- 2) respiratory allergies which are ameliorated by filtered air (e.g., an allergy brought on by pollen),

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record who are eligible for assistance in accordance with Option 6. Each shall be compensated by the Department for such credits. Such compensation shall be made within 60 days of the Department's receipt of the home energy vendor's request for payment. In order to receive payment on the applicant household's behalf home energy vendors must submit a request for payment to the Department. The home energy vendor(s) may submit a request for payment for winter energy services as often as once a month, but in no case less than once for the entire winter season. To be submitted to the Department not later than June 30 following the end of such winter season. The Department will determine the actual payment after analyzing the request for payment. The compliance of applicant eligibility in accordance with this Part. The Department will pay the home energy vendor(s) submitting the aforementioned request. The lesser of the actual bill or the full winter benefit of the adjusted average winter energy cost specified in Section 100.110 Appendix P. In no case at the end of the six winter months will payment exceed 90% of the adjusted average winter energy cost specified in Section 100.110 Appendix P. The applicant's account shall be posted/credited with the payment within 30 days of the home energy vendor's receipt thereof.

24) Eligible applicants pursuant to Option 27 (as described in Section 100.110 (a)(2)(e)) will receive assistance, provided on their behalf to the applicant household's home energy provider(s) vendor(s) in an amount detailed in Section 100.110 Appendix E A. This payment will be made, in accordance with appropriate grant agreements by either the Department or the LAA. The applicant's account shall be posted/credited with the payment within 30 days after the home energy provider's receipt thereof. If the energy provider(s) fails to sign a Vendor Agreement, then a two-party check will be sent to the applicant.

d) Category 2 - Non-APBE Reporting
1) Each home energy vendor which received payment from the Department for pre-program arrearages pursuant to Section 11 of the Act shall monitor the energy usage of the applicant on whose behalf such payment was made and report to the Department on such usage.

2) Each regulated utility shall report annually to the Illinois Commerce Commission the amounts received from the Department for pre-program arrearages pursuant to Section 11 of the Act.

3) Close Out/Vinal Audit Report
Each home energy vendor who receives an aggregate total in excess of \$100,000 in REAPP funding attributable to any program year must undergo an audit for that program year by a certified independent accountant to substantiate the total amount requested for credits. It is extended during the previous winter under Option 5 or 6. A copy of the audit report must be submitted to the Department. The audit report shall specify what information was audited, the procedures performed, the home energy vendor's

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- 3) any medical condition of a non-ambulatory patient, and
- 4) any other condition for which a licensed medical practitioner deems cooling as a medical necessity.
- c) The existence of one or more of the eligible medical conditions must be certified by a licensed medical practitioner. Medical persons from whom this certification can be accepted are limited to the following:
- 1) Any physician licensed in accordance with the Medical Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, pars. 4400-1 et seq.) or licensed in an adjoining state;
 - 2) Any registered nurse or practical nurse licensed under the Illinois Nursing Act of 1987 (Ill. Rev. Stat. 1989 and 1990 Supp., ch. 111, pars. 3501 et seq.) that is employed by a visiting nurse association or county government or health department and who has attended the applicant or a member of his/her household;
 - 3) Public health officials who are medical persons (i.e., licensed physicians or licensed registered or licensed practical nurses acting as a representative of a physician) associated with the National Health Service, the Illinois Department of Public Health, a county health department, or a city or township health department;
 - 4) Any physician's assistant certified under the Physician Assistant Practice Act of 1987 (Ill. Rev. Stat. 1989, ch. 111, pars. 4601 et seq.) working with any attending licensed physician;
 - 5) Any licensed registered or practical nurse working with an attending licensed physician or physician's assistant; or
 - 6) Any practitioner who provides treatment through prayer or spiritual means (e.g. Christian Scientist).
- d) Once the medical practitioner has determined a medical need exists, he/she should complete the Medical Certification form found in Section 100.Appendix C to this Part. If the applicant has a statement from a medical person which contains identical information (i.e., name and address of the household member with condition, a description of the condition, and signature and title of medical person), such a statement is acceptable but, when filed, it must be attached to the medical certification form specified in Section 100.Appendix C of this Part. LAA's are permitted to obtain medical certification orally provided that written follow-up takes place. Such written follow-up consists of the medical certification form or a record of who was spoken to, the condition they described, the date, the time, and who from the agency made the call. If, after obtaining oral verification and making a good-faith effort to secure written certification (which is documented by the file notes, the follow-up calls and letters), the signed certification form is not received by the LAA, the oral certification and corresponding documentation will be acceptable. This good-faith effort will not be acceptable if it is found to be common practice and not the exception to the rule (i.e., the LAA has used oral certification, without written follow-up, in ten (10) percent or more of its files).

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- e) LAA's will take cooling assistance applications from July 1 through September 30 of the program year or until cooling assistance funds are depleted. Intake sites are to be open for a minimum of two days per week through September 30 or until funds have been exhausted. Cooling application data will be entered on the terminal by the LAA. Applications are to be retained and filed by the LAA in separate folders. All reports which are available for the "heating" options will be available for the "cooling" option.
- f) Verification, authorization, and client/vendor notification will occur within thirty (30) days of a completed application. Payment must occur within fifteen (15) days of the notification.
- g) Cooling payments to electric utilities on behalf of eligible households must be used to reduce the current bill of the household. The Department will notify the LAA's of which public utilities, as defined by Section 3-105 of the Public Utilities Act, have agreed to abide by this constraint. LAA's must determine which utilities, which are not public utilities, will comply. In cases where the home energy provider vendor refuses, cooling assistance payments will be made directly to the households.
- h) The cooling assistance funds allocated shall be used to provide direct client assistance, not emergency services payments. An overdue bill, a cut-off notice, or disconnection of the home energy provider vendor is not a requirement to receive cooling assistance. However, cooling payments are not to be made to a disconnected account unless the cooling payment plus emergency service payment, if the household has not received such a payment within the last year, is enough to restore services.
- i) On the date the Department notifies the LAA's that the cooling assistance option becomes operable, LAA's may take emergency service applications for clients whose electricity is not an integral part of their heating system (i.e., heat will be delivered without use of electricity).

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992.)

Section 100.120 Determination of Household Eligibility

- a) Household applications for assistance through program options contained in Sections 100.111 through 100.113 and 100.115 will be accepted by LAAs located at administering agencies, if there are sufficient funds allocated to the LAA to grant assistance through program options.
- b) ~~Eligibility requirements for Section 100.110(b)(1)(A) through (E) and Section 100.110(b)(3)(A) and (B) of this Part are limited to households that are receiving Aid to Families with Dependent Children under Article IV of the Illinois Public Aid Code. LAAs are responsible for determining household eligibility in accordance with the Act. Payments should be made under Section 100.110(b)(1)(B) and (E) of this~~

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF ADOPTED AMENDMENT(S)

Part-only-with-respect-to-households-in-which-the-customer-of--of--record is--a-member-of-the-applicant-household-and-such-customer-of-record-is receiving-Aid-to-Families-with-Dependent-Children-under-Article-IV--of the-illinois-Public-Aid-Code.

bc) Eligibility Requirements for Section 100.110(b)(2)(A) through (E) and Section 100.110(b)(3)(A) and (B) of this Part--is are for a 30-day period, based on 10% 125% of the OMB Poverty Guidelines (published in the Federal Register on February 20, 1991 at 56 FR 6859-6861). - LAAS are responsible for determining household eligibility in accordance with Section 2605(b)(2) of the Omnibus Budget Reconciliation Act of 1981. (Public Law 97-95) Low-Income Home Energy Assistance Act of 1981. (Public Law 97-95) reclassified at 42 U.S.C. 8621 et seq. and shall make payments under this title only with respect to-- To receive assistance:

- 1) The customer of record must apply for assistance and be a member of the household. A household member may apply on behalf of the customer of record. Such customer of record's signature on the Department's Residential Energy Assistance Partnership Program agreement--form, which lists responsibilities as detailed in Section 100.110(c)(2)(A) through (E) shall constitute acceptance by the customer of record and the home energy vendor of that household member's responsibility for that account.

2) A household applying for emergency service must meet:

- A) income guidelines as specified in subsection (b)(2);
- B) be disconnected from their primary and/or secondary heat source; and
- C) have paid toward their primary and/or secondary heat source within the past 90 days a "good faith" payment of not less than ten percent of the household's past 90 day income. The ten percent rule may be waived in cases of extreme economic hardship. Extreme economic hardship exists when the household's source of income has been permanently terminated for at least 30 days and a new source of income has not commenced.

cd) Application Requirements - A client application for assistance under Status-Category 2 (set forth in Section 100.110(f)(1)) is complete when it contains:

- 1) a copy of utility bill(s) or landlord statement that energy payments are included in the rent;
- 2) proof of income for any household member age 18 or older (e.g., check stub or public aid medical eligibility green card);
- 3) for an applicant whose utility service has been disconnected and is applying for an emergency service payment, proof that the household has paid 10% of its household income over the last 90 days toward its utility bills (e.g., a copy of the applicant's utility bills);
- 4) head of household information;
- 5) dwelling information;
- 6) household income information; and
- 7) home energy information.

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- ef) A client application for assistance under Status-Category 1 (set forth in Section 100.110(f)(2)) shall consist of--a--completed Illinois Department of Public Aid Request for REAPP Payment--application form.
- d) Verification of Rental Expenses - Rental expenses may be verified by documentation in the form of: lease/rental agreements, current rent receipt(s), verification letters from the applicant's landlord or authorized property manager.
- ef) Notification Requirements - Households will receive written notification regarding eligibility determination within 30 days of the date the client application is complete. Additionally, home energy providers vendors (e.g., utility companies) receiving a payment on behalf of an eligible household will be notified in writing of the household's eligibility within the same 30-day period.

(Source: Amended at 16 Ill. Reg. 3940, effective February 26, 1992)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX A LIHEAP Payment Matrix FY-90----LIHAP-Income----Level Chart/Geotag-(Repeated)

Section 100.ILLUSTRATION A 1992 Payment Matrix - North #1 (0-50% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$292	\$292	\$294	\$296	\$298	\$301
	Secondary	\$138	\$138	\$147	\$157	\$166	\$176
	Total	\$430	\$430	\$441	\$453	\$464	\$477
All Electric	Not Applicable	\$277	\$277	\$357	\$437	\$518	\$598
	Propane/Fuel Oil	\$508	\$508	\$511	\$515	\$519	\$523
Propane/Fuel Oil	Primary	\$138	\$138	\$147	\$157	\$166	\$176
	Secondary	\$646	\$646	\$658	\$672	\$685	\$699
	Total	\$784	\$784	\$805	\$829	\$851	\$875

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$120	\$120	\$130	\$140	\$150	\$160		

(Source: Added at 16 Ill. Reg. 3940, effective February 26, 1992)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100.ILLUSTRATION B 1992 Payment Matrix - North #2 (51-80% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$195	\$195	\$197	\$198	\$200	\$201
	Secondary	\$ 92	\$ 92	\$ 99	\$105	\$111	\$118
	Total	\$287	\$287	\$296	\$303	\$311	\$319
All Electric	Not Applicable	\$185	\$185	\$239	\$293	\$347	\$401
	Propane/Fuel Oil	\$340	\$340	\$343	\$345	\$348	\$350
Propane/Fuel Oil	Primary	\$ 92	\$ 92	\$ 99	\$105	\$111	\$118
	Secondary	\$432	\$432	\$442	\$450	\$459	\$468
	Total	\$524	\$524	\$542	\$555	\$569	\$578

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$ 80	\$ 80	\$ 87	\$ 94	\$101	\$107		

(Source: Added at 16 Ill. Reg. 3940, effective February 26, 1992)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION D 1992 Payment Matrix - South #1 (0-50% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$212	\$212	\$214	\$216	\$218	\$220
	Secondary	\$114	\$114	\$124	\$133	\$143	\$152
	Total	\$326	\$326	\$338	\$349	\$361	\$372
All Electric	Not Applicable	\$232	\$232	\$313	\$393	\$473	\$554
	Propane/Fuel Oil	\$367	\$367	\$371	\$375	\$379	\$383
Propane/Fuel Oil	Primary	\$114	\$114	\$124	\$133	\$143	\$152
	Secondary	\$481	\$481	\$495	\$508	\$522	\$535
	Total	\$595	\$595	\$619	\$641	\$665	\$687

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$100	\$100	\$110	\$120	\$130	\$140		

(Source: Added at 16 Ill. Reg. 3940, effective February 26, 1992)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION C 1992 Payment Matrix - North #3 (81-110% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$146	\$146	\$147	\$148	\$149	\$150
	Secondary	\$69	\$69	\$74	\$78	\$83	\$88
	Total	\$215	\$215	\$221	\$226	\$232	\$238
All Electric	Not Applicable	\$138	\$138	\$178	\$219	\$259	\$299
	Propane/Fuel Oil	\$254	\$254	\$256	\$258	\$259	\$261
Propane/Fuel Oil	Primary	\$69	\$69	\$74	\$78	\$83	\$88
	Secondary	\$323	\$323	\$330	\$336	\$342	\$349
	Total	\$392	\$392	\$404	\$414	\$425	\$437

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$60	\$60	\$65	\$70	\$75	\$80		

(Source: Added at 16 Ill. Reg. 3940, effective February 26, 1992)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100. ILLUSTRATION B 1992 Payment Matrix - South #2 (51-80% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$142	\$142	\$143	\$145	\$146	\$147
	Secondary	\$77	\$77	\$83	\$89	\$96	\$102
	Total	\$219	\$219	\$226	\$234	\$242	\$249
All Electric	Not Applicable	\$156	\$156	\$210	\$264	\$317	\$371
	Propane/Fuel Oil	\$246	\$246	\$249	\$251	\$254	\$257
Propane/Fuel Oil	Primary	\$77	\$77	\$83	\$89	\$96	\$102
	Secondary	\$323	\$323	\$332	\$340	\$350	\$359
	Total	\$323	\$323	\$332	\$340	\$350	\$359

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$67	\$67	\$74	\$80	\$87	\$94		

(Source: Added at 16 Ill. Reg. 3940 effective February 26, 1992)

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Section 100. ILLUSTRATION F 1992 Payment Matrix - South #3 (81-110% of Poverty Level)

DIRECT VENDOR PAYMENTS

Fuel Type	Energy Source	Household Size					
		1	2	3	4	5	6 or more
Natural Gas/Other	Primary	\$106	\$106	\$107	\$108	\$109	\$110
	Secondary	\$57	\$57	\$62	\$67	\$71	\$76
	Total	\$163	\$163	\$169	\$175	\$180	\$186
All Electric	Not Applicable	\$116	\$116	\$156	\$197	\$237	\$277
	Propane/Fuel Oil	\$184	\$184	\$186	\$187	\$189	\$191
Propane/Fuel Oil	Primary	\$57	\$57	\$62	\$67	\$71	\$76
	Secondary	\$241	\$241	\$248	\$254	\$260	\$267
	Total	\$241	\$241	\$248	\$254	\$260	\$267

CASH PAYMENTS

Household Size							
1	2	3	4	5	6 or more		
\$50	\$50	\$55	\$60	\$65	\$70		

(Source: Added at 16 Ill. Reg. 3940 effective February 26, 1992)

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NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX E REAPP Direct Payment Matrix (Repealed)
SOUTHERN-REGION

if-Primary-Vendor-is:	Payment-Will-Be:
Gas	Primary-Only--Secondary-Only- Primary-and-Secondary
Wood	Primary-----\$100
Coal	Secondary-----\$-50
Other	\$150-----\$150
bp-Gas	Primary-----\$132
Oil	Secondary-----\$-60

All-Electric	\$200
Does-Not-Pay	
Own-Bills	
All-Utilities	\$150
Included-in	
Rent	

NORTHERN-REGION

if-Primary-Vendor-is:	Payment-Will-Be:
Gas	Primary-Only--Secondary-Only--Primary-and-Secondary--
Wood	Primary-----\$120
Coal	Secondary-----\$-60
Other	\$100-----\$100
bp-Gas	Primary-----\$160
Oil	Secondary-----\$-00

All-Electric	\$240
Does-Not-Pay	
Own-Bills	
All-Utilities	\$100
Included-in	
Rent	

(Source: Amended at 16 Ill. Reg. 3940, effective
February 26, 1992)

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Section 100.APPENDIX D Assistance Level Chart Map



NORTH REGION

SOUTH/CENTRAL REGION

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NOTICE OF ADOPTED AMENDMENT(S)

(Source: Repealed at 16 Ill. Reg. 3940, effective February 26, 1992)

NOTICE OF ADOPTED AMENDMENT(S)

Section 100.APPENDIX F 90% of the Adjusted Average Winter Energy Cost (Monthly Allowable Payment) (Repealed)

HOUSEHOLD-Size	REGION-I-(SOUTH)						
	1	2	3	4	5	6	7
PURB							
Natural-Gas	\$73	\$75	\$77	\$80	\$82	\$84	\$86
Electricity	\$34	\$39	\$43	\$48	\$53	\$58	\$68
--Total	\$107	\$114	\$121	\$128	\$135	\$142	\$156
Att-Electric	\$82	\$105	\$120	\$151	\$173	\$196	\$237
Other-Primary	\$87	\$89	\$92	\$95	\$97	\$100	\$106
-Electricity	\$34	\$39	\$43	\$48	\$53	\$58	\$68
--Total	\$121	\$128	\$135	\$143	\$150	\$158	\$174
REGION-II-(NORTH)							
HOUSEHOLD-Size	REGION-II-(NORTH)						
	1	2	3	4	5	6	7
PURB							
Natural-Gas	\$97	\$99	\$102	\$104	\$106	\$108	\$112
Electricity	\$36	\$41	\$45	\$50	\$55	\$60	\$70
--Total	\$133	\$140	\$147	\$154	\$161	\$168	\$182
Att-Electric	\$95	\$110	\$141	\$180	\$107	\$210	\$256
Other-Primary	\$116	\$110	\$121	\$124	\$126	\$129	\$135
-Electricity	\$36	\$41	\$45	\$50	\$55	\$60	\$70
--Total	\$152	\$159	\$166	\$174	\$181	\$189	\$205

(Source: Repealed at 16 Ill. Reg. 3490, effective February 26, 1992)

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

- 1) Heading of the Part: Notices, Records, Reports

2) Code Citation: 56 Ill. Adm. Code 2760

- 3) Section Number:
 2760.110 Adopted Action:
 2760.120 Amended Section
 2760.125 Amended Section
 2760.130 Amended Section
 2760.145 Amended Section
 2760.150 Amended Section

- 4) Statutory Authority: Ill. Rev. Stat. 1989, ch. 48, pars. 314, 344, 370, 380, 382, 450, 550, 551, 552, 554, 555, 577, 610, 611, 616, 630, 631, 681 and 688.

- 5) Effective Date of the Amendment: February 27, 1992.

- 6) Does this rulemaking contain an automatic repeal date? No.

- 7) Does this Rule contain an incorporation by reference? No.

- 8) Date filed in Agency's Principal Office: February 27, 1992.

- 9) Notice of Proposal published in Illinois Register:
 September 27, 1991 at 15 Ill. Reg. 14023.

- 10) Has JCAR issued a Statement of Objection to these Rules? No.

- 11) Difference between proposal and final version: Reference to Section 1507 was added to the Authority.

- 12) Have all the changes agreed upon by the Agency and JCAR been made as indicated in the agreement letter issued by JCAR?
 Yes.

- 13) Will this replace an emergency rule currently in effect? No.

- 14) Are there any amendments pending on this Part? No.

- 15) Summary and purpose of the rules: In an attempt to add flexibility to the forms design process, these amendments to Part 2760 remove references to internal form numbers. The names of the forms remain the same. In one instance, the Department's address is updated.

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Reporting excess wages (Section 2760.145) was promulgated to allow employers to maintain some secrecy with respect to the wages paid to certain high income employees. However, the \$10,000 per quarter amount is no longer high enough so that reporting higher wages excess might not affect the worker's right to higher benefits. Therefore, it is necessary to increase the amount of wages paid before an employer could report wages as a lump sum excess. This change has no affect on the amount of contributions owed by an employer.

- 16) Information and Questions regarding these Adopted Amendments may be addressed to:

Gregory J. Ramel, Acting Commissioner
 Illinois Department of Employment Security
 401 South State Street - 2 South
 Chicago, Illinois 60605
 312/793-4240

The full Text of the Adopted Amendments begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2760
NOTICES, RECORDS, REPORTS

SUBPART A: GENERAL OBLIGATIONS

Section
2760.1 Posting And Maintaining Notices
2760.5 Identification Of Workers Covered By The Act
2760.10 Filing By Mail

SUBPART B: REPORTS AND RECORDS

2760.100 Reports
2760.105 Reports Of Employing Units As To Their Status
2760.110 Employing Unit Terminating Business
2760.115 Records With Respect To Employment
2760.120 Employer's Contribution Report {~~6E-3740~~}
2760.125 Employer's Wage Report {~~6E-3740~~}
2760.130 Reporting "Excess" Wages
2760.135 Remittance Of Contributions Due And Use Of Transmittal Form
2760.140 Use Of Electronic Data Processing Media For Quarterly Reporting
2760.145 Correcting The "Employer's Contribution And Wage Report" {~~6E-3740~~}
2760.150 Consequences Of An Error In The Preparation Of The "Employer's Contribution And Wage Report" {~~6E-3740~~}

AUTHORITY: Implementing and authorized by Sections 204, 234, 245, 300, 302, 700, 1400, 1402, 1404, 1405, 1507, 1700, 1701, 1706, 1800, 1801, 2201 and 2208 of the Unemployment Insurance Act (Ill. Rev. Stat. 1989, ch. 48, pars. 314, 344, 370, 380, 382, 450, 550, 551, 552, 554, 555, 577, 610, 611, 616, 630, 631, 681 and 688.

SOURCE: Department of Labor, Bureau of Employment Security Regulations 4, 7 and 8, filed as amended May 3, 1977, effective May 13, 1977; Regulation 11 filed as amended May 4, 1977, effective May 14, 1977; Regulations 5 and 32 filed as amended June 23, 1977, effective July 3, 1977; Regulations 6 and 12 filed as amended September 12, 1977, effective September 12, 1977; rules repealed by operation of law on October 1, 1984; new rules adopted at 10 Ill.

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Reg. 6939, effective April 15, 1986; emergency amendment at 12 Ill. Reg. 222, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 13604, effective August 4, 1988; amended at 12 Ill. Reg. 16070, effective September 23, 1988; amended at 16 Ill. Reg. 3993, effective February 27, 1992

SUBPART B: REPORTS AND RECORDS

Section 2760.110 Employing Unit Terminating Business

a) Any employing unit which terminates business (including dissolution of a partnership), for any reason whatsoever, or transfers or sells substantially any/all of the assets of the organization, trader or business or a severable portion thereof to another or changes the trade name of such business, shall, within ten (10) days after such termination, transfer or change of name, give notice in writing of that fact to the Director.

1) If an employer dies, written notice of his death shall be given to the Director by the executor or administrator or other legal representative of his estate within 90 days after the date of death.

2) In the case of bankruptcy or receivership proceedings for relief of a debtor who is an employing unit, the trustees in bankruptcy, receiver, or person designated by order of the court as in control of the assets of the debtor shall give written notice to the Director of such proceedings within 90 days of the commencement of such proceedings.

b) The notice required under this Section shall be mailed to the Department of Employment Security, Revenue Division, 918-South-Michigan-Avenue, 401 South State Street, Chicago, Illinois 60605. Forms for such notice shall be sent out by the Division upon request; they are also included in the quarterly packet {~~6E-3740~~} sent to all employers.

(Source: Amended at 16 Ill. Reg. 3993, effective February 27, 1992

Section 2760.120 Employer's Contribution Report {~~6E-3740~~}

a) Each quarter the agency shall provide each employer subject to the Unemployment Insurance Act, including

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employers electing to make payments in lieu of paying contributions under the provisions of Sections 1404, 1405 or 302 of the Act (Ill. Rev. Stat. 19831989, ch. 48, pars. 554, 555, 382), with a preprinted packet which includes a form, "Employer's Contribution and Wages Report" (8E-3740), in part, for filing its quarterly unemployment insurance contribution report. Subject to the provisions of Section 2760.140 of this Part, unless the employer was held subject to the Act within the one year period prior to the due date of this form and had not yet been assigned an Illinois account number, the employer must use the left side of the preprinted form provided for filing his/its report. Except as provided in the previous sentence, the use of a blank (not preprinted for the employer) form will be considered an incomplete submission and be returned to the employer for resubmission. Replacement preprinted forms are available upon request (see Section 2760.125(a)(4) for extensions of the time for filing).

- b) In addition to the identifying information on the 8E-3740 "Employer's Contribution and Wage Report", the employer must provide the total wages paid during the quarter, the taxable wages paid during the quarter and the number of employees during the pay period which includes the 12th day of each month of each that quarter.

(Source: Amended at 16 Ill. Reg. 3993, effective February 27, 1992

Section 2760.125 Employer's Wage Report (8E-3740)

a) Filing Wage Reports

- 1) Every employer subject to the Unemployment Insurance Act, including employers electing to make payments in lieu of paying contributions under the provisions of Sections 1404, 1405 or 302 of the Act (Ill. Rev. Stat. 19831989, ch. 48, pars. 554, 555, 382), shall file a report each calendar quarter, listing the name and Social Security Account Number of each covered worker and, except as provided in Section 2760.130 of this Part, the total wages paid to each worker. The report shall be made on the right side of a form designated "Employer's Contribution and Wage

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Report," (8E-3740), which is a part of a preprinted packet provided each quarter by the agency to every employer subject to the Unemployment Insurance Act and shall be filed on or before the last day of the calendar month next following the close of the calendar quarter.

- 2) When an employing unit becomes an employer including employers electing to make payments in lieu of paying contributions under Sections 1404, 1405 and 302 of the Act (Ill. Rev. Stat. 19831989, ch. 48, pars. 554, 555, 382), it shall file the form designated by the Director as "Employer's Contribution and Wage Report" (8E-3740) (listing thereon the information required by subsection (a)(1)), with respect to each calendar quarter beginning with the calendar quarter as of which it became an employer. The reports due under this subsection shall be filed on or before whichever of the following dates is later:

- A) The thirtieth day following the date upon which the form designated by the Director as "Employer's Contribution and Wage Report" (8E-3740) is mailed to the employing unit for completion; or,
- B) The last day of the calendar month next following the calendar quarter in which such employing unit becomes an employer.
- 3) The information with respect to each worker required by subsection (a)(1), may be submitted on a form other than that designated by the Director as "Employer's Contribution and Wage Report" (8E-3740), provided that the Director has approved the use of such substitute form. The Director will approve such substitute form if it provides the same information in the same format on the same size paper.
- 4) Upon written request filed with the Director prior to the due date of the report, the Director shall, for any reasonable cause shown, grant in writing an extension of a maximum of 30 days for the filing of any report required under subsection (a)(1) or (a)(2). A reasonable cause is when employers

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cannot meet a due date through no fault of their own or because of circumstances beyond their control.

- A) Such request shall make a full explanation of the reasons for the request, and shall state the date to which the extension is desired.
- B) If an employer whowhich has been granted an extension of time pursuant to this subsection fails to file the report on or before the extended due date, the penalty referred to in subsection (b) shall accrue from the original due date as if no extension had been granted.
- b) Any employer, including an employer electing to make payments in lieu of paying contributions under the provisions of Sections 1404, 1405 or 302 of the Act (Ill. Rev. Stat. 19831989, ch. 48, pars. 554, 555, 382), whowhich, during any calendar quarter, has paid wages to any of hisits workers, and whowhich fails to file a report of such wages on or before the date it is due under the provisions of this Section shall pay penalties as set forth in Section 1402 of the Act (Ill. Rev. Stat. 19831989, ch. 48, par. 552) and 56 Ill. Adm. Code 2765, codified thereunder.

- c) An extension in the period of time for filing a wage report does not extend the deadline for making payment of any required contributions.

(Source: Amended at 16 Ill. Reg. 3993, effective February 27, 1992.)

Section 2760.130 Reporting "Excess" Wages

Pursuant to Section 2760.125, the employer shall enter on the wage reporting Section portion of his-form7-8E-3/40 its quarterly contribution wage and report the amount of wages (whether or not subject to the payment of contributions) paid during the calendar quarter to each listed worker. However, if the wages paid by the employer during the calendar quarter to any worker are in excess of \$10,000\$15,000, the employer may report only \$10,000\$15,000 for such worker with respect to that calendar quarter; provided, that the employer shall enter on hisits "Report" 8E-3/40 a sum total of all excess wages and shall identify such sum as "Excess Wages Not Allocated."

(Source: Amended at 16 Ill. Reg. 3993, effective February 27, 1992.)

Section 2760.145 Correcting The "Employer's Contribution And Wage Report" 8E-3/40

- a) Should an employer make an error in the reporting total or taxable wages paid during a quarter or in the calculation of hisits contributions due, heit shall correct such error by preparation of the form, 8E-408 Employer's Correction Report For The Quarter Ending . This same form shall be used to correct errors in reporting wages of individual workers. This form requires the same information as the original "Employer's Contribution and Wage Report" 8E-3/40, in addition to the corrected information and an explanation of the change.

- b) Where an employer incorrectly reports the name or Social Security account number of a worker on the age report portion of the "Employer's Contribution and Wage Report" 8E-3/40, such correction shall be made by the use of form, 8E-408 Social Security Number And Name Change Notice. This form requires the original reported on the wage report portion of the "Employer's Contribution and Wage Report" 8E-3/40 and the corrected information.

(Source: Amended at 16 Ill. Reg. 3993, effective February 27, 1992.)

Section 2760.150 Consequences Of An Error In The Preparation Of The "Employer's Contribution And Wage Report" 8E-3/40

- a) If an error in the preparation of the "Employer's Contribution and Wage Report" 8E-3/40 results in an underreporting of contributions due, the employer shall be liable for the delinquent contributions plus interest, calculated in accordance with Section 1401 of the Act (Ill. Rev. Stat. 19831989, ch. 48, par. 551), from the date that the original report was due.
- b) If an error in the preparation of the "Employer's Contribution and Wage Report" 8E-3/40 resulted in an overpayment of contributions, the employer may a claim for a credit or refund. Such claim must be filed within the period provided in Section 2201 of the Act (Ill. Rev. Stat. 19831989, ch. 48, par. 681). Such request shall be filed on a form 8E-20 entitled "Employer's Claim for Refund." Such forms may be obtained by

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writing to the Department of Employment Security, Revenue Division, 401 South State Street, Chicago, IL 60605. On the form the employer must provide certain identifying information, his computation of the amount of his claim and the basis for his claim. This form must be signed by the owner, a partner, an officer of a corporation or its authorized agent who states that the information contained in the form is true and correct to best knowledge and belief of the signer.

(Source: Amended at 16 Ill. Reg. 3993, effective February 27, 1992.)

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- 1) Heading of Part: ILLINOIS POLICE TRAINING ACT
- 2) Code Citation: 20 Ill. Adm. Code 1720
- 3) Section Number: 1720.15 Adopted Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 85, par. 507
- 5) Effective Date of Rules: February 28, 1992
- 6) Does this rulemaking contain an automatic repeal date? Yes ☒ No
- 7) Does this rule contain incorporations by reference? Yes ☒ No
- 8) Date Filed in Agency's Principal Office: January 1, 1992
- 9) Notice of Proposal Published in Register: October 25, 1991
(15 Ill. Reg. 15251)
- 10) Has JCAR Issued a Statement of Objections to this (these) Rules? No
- 11) Differences between the proposed rules and the final version are: The following clarifying changes have been made to this rulemaking:

Section 1720.15(a)

The first sentence has been changed by inserting "experience as a" following "prior"; "officer" has been inserted following "enforcement"; "prior experience as a" has been inserted before "county connections"; "experience" has been changed to "officer".

A sentence at the end of Section 1720.15(a) has been added, stating: "Factors which the Executive Director shall consider in determining the need for the Equivalency Exam shall include, but not be limited to, the type and length of prior experience as a law enforcement or county corrections officer's prior prior certificates for training, and education."

The words "said criteria" have been changed to "prior experience and training."

Section 1720.15(c)

The word "may" has been changed to "shall."

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

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- 13) Will the proposed rule replace an emergency rule currently in effect? No.
14) Are there any other rules pending on this Part? No.
15) Summary and purpose of rules: 20 Ill. Adm. Code 1720

The purpose of these rules is to provide the Executive Director of the Police Training Board with criteria to provide persons seeking a waiver of basic training with an opportunity to receive an equivalency examination.

- 16) Information and answers to questions regarding this adopted rule shall be directed to:

John Janssen, Administrative Assistant
Illinois Local Governmental Law Enforcement Officers Training Board
600 South Second Street, Suite 300
Springfield, IL 62706

Telephone: 217/782-4540

The full text of the Adopted Rules begin on the next page:

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TITLE 20: CORRECTIONS, CRIMINAL JUSTICE, AND LAW ENFORCEMENT
CHAPTER V: ILLINOIS LOCAL GOVERNMENTAL LAW
ENFORCEMENT OFFICERS TRAINING BOARD

PART 1720
ILLINOIS POLICE TRAINING ACT

Section	Course Requirements
1720.10	<u>Equivalency Examination</u>
1720.15	Minimum Requirements of the Trainee
1720.20	Procedures for Administration of Law Enforcement and Correctional Officers Certification Examination
1720.25	School Standards and Requirements
1720.30	Qualification of Police Instructors
1720.40	Reimbursements
1720.50	Requirements of Participating Local Agencies
1720.60	Minimum Training Requirements for Illinois Sheriffs
1720.70	Physical Fitness Standards

APPENDIX A

AUTHORITY: Implementing and authorized by the Illinois Police Training Act (Ill. Rev. Stat. 1990 Supp., ch. 85, par. 501 et seq.)

SOURCE: Filed and effective July 26, 1966; codified at 7 Ill. Reg. 11232; amended at 8 Ill. Reg. 12259, effective July 1, 1984; amended at 11 Ill. Reg. 16692, effective October 6, 1987; amended at 12 Ill. Reg. 3728, effective February 2, 1988; amended at 13 Ill. Reg. 19957, effective December 11, 1989; amended at 14 Ill. Reg. 14800, effective September 4, 1990; amended at 15 Ill. Reg. 999, effective January 14, 1991; amended at 16 Ill. Reg. 4002, effective February 28, 1992.

Section 1720.15 Equivalency Examination

- a) The Executive Director may grant a waiver of basic training requirements set forth by the Board if, by reason of extensive prior experience as a law enforcement officer or prior experience as a county corrections officer, the basic training requirement is illogical or unreasonable. The Executive Director may require the applicant to take and successfully pass the Board's Equivalency Examination if the Executive Director, in reviewing prior experience and training, determines that there is a need for the applicant to demonstrate current knowledge of Illinois law and procedures. Factors which the Executive Director shall consider in determining the need for the Equivalency Exam shall include, but not be limited to, the type and length of prior experience as a law enforcement or county corrections officer, prior certificates for training, and education.
- b) The Board shall establish a minimum passing score. In establishing a minimum score, the Board will ensure that the score reflects the

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knowledge and competency of the applicant. The minimum passing score will be established by the Board within the range of 60 to 80 percent of the total score.

c) The content of the test shall include, but not be limited to, material in the areas specified in Section 7(b) of the Act, and subjects covered in the Firearms Training for Peace Officers Act (Ill. Rev. Stat. 1990 Supp., ch. 85, par. 515, et seq.).

d) The Board shall at least biennially review the content of the examination and minimum passing score to ensure accuracy and reliability.

(Source: Added at 16 Ill. Reg. 4002, effective March 6, 1992)

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- 1) The Heading of the Part: MEDICAL PAYMENT
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Numbers: Adopted Action:
140.440 Amendment
140.441 Amendment
140.442 Amendment
140.449 Amendment
140.514 Amendment
- 4) Statutory Authority:
89 Ill. Adm. Code 140.440, 140.441, 140.442 and 140.449
Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
89 Ill. Adm. Code 140.514
Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendments: March 6, 1992
- 6) Does this rulemaking contain an automatic repeal date?
Yes X No
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 6, 1992
- 9) Notices of Proposal Published in Illinois Register:
89 Ill. Adm. Code 140.440, 140.441, 140.442 and 140.449
August 30, 1991 (15 Ill. Reg. 12171)
89 Ill. Adm. Code 140.514
August 16, 1991 (15 Ill. Reg. 11555)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No

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11) Differences between proposal and final version:

89 Ill. Adm. Code 140.440, 140.441, 140.442 and 140.449

JCAR changes:

Section 140.441:

Subsection (a) - added "Drug products manufactured by" at the beginning and decapitalized "Drug".

Section 140.442:

Subsection (a)(2) - added "s" to "organization" in two different places.

Subsection (a)(5) - delete "shall" before "within".

Subsection (a)(6) - delete ", " after "organization".

Subsection (b)(1) - changed ", " to "; " before "and".

Subsection (b)(2) - changed ", " to "; " before "and".

Subsection (b)(3) - changed ", " to "; " before "or".

Subsection (d) - added "s" to "Decision".

Section 140.449:

Subsection (b)(1) - changed to read as follows: "Group Care and General Assistance Restricted - The drug is available to all recipient categories except recipients of General Assistance and individuals residing in a nursing home."

Subsection (d)(1) - delete all language.

Subsection (d)(2) - delete all language.

Subsection (d) - reads as follows: "Group Care Restricted - The drug is available to all recipients except recipients residing in nursing homes. The nursing home must provide the following listed items to resident recipients at no charge to the recipient."

89 Ill. Adm. Code 140.514

Subsection (b)(1)(B) - delete "and"

Subsection (b)(1)(C) - add "and" at the end

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12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will these Amendments replace Emergency Amendments currently in effect? No

14) Are there any Amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
140.27	Amendment	January 3, 1992 (16 Ill. Reg. 65)
140.94	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.95	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.512	Amendment	September 13, 1991 (15 Ill. Reg. 13274)
140.513	Amendment	September 13, 1991 (15 Ill. Reg. 13274)
140.526	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.527	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.528	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.529	Repealed	January 10, 1992 (16 Ill. Reg. 472)
140.530	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.538	Amendment	November 8, 1991 (15 Ill. Reg. 15933)
140.539	Amendment	January 10, 1992 (16 Ill. Reg. 472)
140.543	Amendment	February 28, 1992 (16 Ill. Reg. 3045)

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TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER 6: MEDICAL PROGRAMS

PART 140

MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

Section	
140.1	Incorporation By Reference
140.2	Medical Assistance Programs
140.3	Covered Services Under The Medical Assistance Programs for AFDC, AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not Eligible for AFDC, Pregnant Women Who Would Be Eligible if the Child Were Born and Pregnant Women and Children Under Age Eight Who Do Not Qualify As Mandatory Categorically Needy
140.4	Covered Medical Services Under AFDC-MANG for non-pregnant persons who are 18 years of age or older (Repealed)
140.5	Covered Medical Services Under GA
140.6	Medical Services Not Covered
140.7	Medical Assistance Provided to Individuals Under the Age of Eighteen Who Do Not Qualify for AFDC and Children Under Age Eight
140.8	Medical Assistance For Qualified Severely Impaired Individuals
140.9	Medical Assistance for a Pregnant Woman Who Would Not Be Categorically Eligible for AFDC/AFDC-MANG if the Child Were Already Born Or Who Do Not Qualify As Mandatory Categorically Needy
140.10	Medical Assistance Provided to Incarcerated Persons

SUBPART B: MEDICAL PROVIDER PARTICIPATION/DRUG MANUAL

Section	
140.11	Enrollment Conditions for Medical Providers
140.12	Participation Requirements for Medical Providers
140.13	Definitions
140.14	Denial of Application to Participate in the Medical Assistance Program
140.15	Recovery of Money
140.16	Termination of a Vendor's Eligibility to Participate in the Medical Assistance Program
140.17	Suspension of a Vendor's Eligibility to Participate in the Medical Assistance Program

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140.18	Effect of Termination on Individuals Associated with Vendor
140.19	Application to Participate or for Reinstatement Subsequent to Termination, Suspension or Barring Submittal of Claims
140.20	Covered Medicaid Services for Qualified Medicare Beneficiaries (QMBs)
140.21	Magnetic Tape Billings
140.22	Payment of Claims
140.23	Payment Procedures
140.24	Overpayment or Underpayment of Claims
140.25	Payment to Factors Prohibited
140.26	Assignment of Vendor Payments
140.27	Record Requirements for Medical Providers
140.28	Audits
140.30	False Reporting and Other Fraudulent Activities
140.35	Prior Approval for Medical Services or Items
140.40	Prior Approval in Cases of Emergency
140.41	Limitation on Prior Approval
140.42	Post Approval for Items or Services When Prior Approval Cannot Be Obtained
140.43	Reimbursement for Medical Services Through the Use of a C-13 Invoice Voucher Advance Payment and Expedited Payments
140.71	Drug Manual (Recodified)
140.72	Drug Manual Updates (Recodified)
140.73	

SUBPART C: PROVIDER PARTICIPATION FEES

Section	
140.94	Hospital Services (Recodified)
140.95	Participation (Recodified)
140.96	General Requirements (Recodified)
140.97	Special Requirements (Recodified)
140.98	Covered Hospital Services (Recodified)
140.99	Hospital Services Not Covered (Recodified)
140.100	Limitation On Hospital Services (Recodified)
140.101	Transplants (Recodified)
140.102	Heart Transplants (Recodified)
140.103	Liver Transplants (Recodified)
140.104	Bone Marrow Transplants (Recodified)
140.110	Disproportionate Share Hospital Adjustments (Recodified)
140.116	Payment for Inpatient Services for GA (Recodified)
140.117	Hospital Outpatient and Clinic Services (Recodified)
140.200	Payment for Hospital Services During Fiscal Year 1982 (Recodified)

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Section 140.201	Payment for Hospital Services After June 30, 1982 (Repealed)
140.202	Payment for Hospital Services During Fiscal Year 1983 (Recodified)
140.203	Limits on Length of Stay by Diagnosis (Recodified)
140.300	Payment for Pre-operative Days and Services Which Can Be Performed in an Outpatient Setting (Recodified)
140.350	Copayments (Recodified)
140.360	Payment Methodology (Recodified)
140.361	Non-Participating Hospitals (Recodified)
140.362	Pre July 1, 1989 Services (Recodified)
140.363	Post June 30, 1989 Services (Recodified)
140.364	Prepayment Review (Recodified)
140.365	Base Year Costs (Recodified)
140.366	Restructuring Adjustment (Recodified)
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140.368	Volume Adjustment (Repealed)
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140.370	Rate Calculation (Recodified)
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140.372	Review Procedure (Recodified)
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140.390	Subacute Alcoholism and Substance Abuse Services (Recodified)
140.391	Definitions (Recodified)
140.392	Types of Subacute Alcoholism and Substance Abuse Services (Recodified)
140.394	Payment for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.396	Rate Appeals for Subacute Alcoholism and Substance Abuse Services (Recodified)
140.398	Hearings (Recodified)

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.400	Payment to Practitioners, Nurses and Laboratories
140.410	Physicians' Services
140.411	Covered Services By Physicians
140.412	Services Not Covered By Physicians
140.413	Limitation on Physician Services
140.414	Requirements for Prescriptions and Dispensing of Pharmacy Items - Physicians

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140.417	Limitations on Optometric Services
140.418	Department of Corrections Laboratory
140.420	Dental Services
140.421	Limitations on Dental Services
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140.425	Podiatry Services
140.426	Limitations on Podiatry Services
140.427	Requirement for Prescriptions and Dispensing of Pharmacy Items - Podiatry
140.428	Chiropractic Services
140.429	Limitations on Chiropractic Services (Repealed)
140.430	Independent Laboratory Services
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140.461	Clinic Participation Requirements (Emergency Expired)
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140.465	Speech and Hearing Clinics
140.466	Rural Health Clinics
140.467	Independent Clinics

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140.476	Medical Equipment, Supplies and Prosthetic Devices for Which Payment Will Not Be Made
140.477	Limitations on Equipment, Supplies and Prosthetic Devices
140.478	Prior Approval for Medical Equipment, Supplies and Prosthetic Devices
140.479	Approval of Medical Supplies
140.480	Equipment Rental Limitations
140.481	Payment for Medical Equipment, Supplies and Prosthetic Devices
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140.488	Periodicity Schedule, Immunizations and Diagnostic Laboratory Procedures
140.490	Medical Transportation
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140.495	Psychological Services
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140.518	Facility Management of Funds
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140.520	Management of Recipient Funds--Local Office Responsibility
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140.526	Quality Incentive Standards and Criteria for the Quality Incentive Program (QUIP)
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140.542	Time Standards for Filing Cost Reports
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140.544	Penalty for Failure to File Cost Reports
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140.565	Level I Incentive Payments (Repealed)
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140.572	Total Capital Rate
140.573	Other Capital Provisions
140.574	Capital Costs for Rented Facilities
140.575	Newly Constructed Facilities (Repealed)
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140.578	Property Taxes
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140.580	Mandated Capital Improvements
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140.642	Alternative Residential Settings and Services
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140.643	Medical and In-Home Care For Disabled Persons Under
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140.646	Reimbursement for Developmental Training (DT)
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	Disabilities Who Reside in Long Term Care (ICF and
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140.950	Factors Considered in Awarding ICARE Contracts
	(Recodified)
140.952	Closing an ICARE Area (Recodified)
140.954	Administrative Review (Recodified)
140.956	Payments to Contracting Hospitals (Recodified)
140.958	Admitting and Clinical Privileges (Recodified)

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Section	Inpatient Hospital Care or Services by
140.960	Non-Contracting Hospitals Eligible for Payment (Recodified)
140.962	Payment to Hospitals for Inpatient Services or Care not Provided under the ICARE Program (Recodified)
140.964	Contract Monitoring (Recodified)
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140.TABLE A	Medicheck Recommended Screening Procedures (Repealed)
140.TABLE B	Health Service Areas
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140.TABLE J	HSA Grouping
140.TABLE K	Services Qualifying for 10% Add-On
140.TABLE L	Services Qualifying for 10% Add-On to Surgical Incentive Add-On

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory

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amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29, 1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11403, effective June 27, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10

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effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; amended at 15 Ill. Reg. 10114, effective June 21, 1991; amended at 15 Ill. Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART D: PAYMENT FOR NON-INSTITUTIONAL SERVICES

Section 140.440 Pharmacy Services

- a) Payment shall be made only to pharmacies.
- b) The following conditions apply to pharmacy participation:
 - 1) The pharmacy must hold a current Drug Enforcement Administration (DEA) registration issued by the United States Drug Enforcement Administration (see 21 CFR 1301 et seq.), as well as a current controlled substances license issued by the Illinois Department of Professional Regulation

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- Section 140.440 Pharmacy Services (Cont'd)
- (see Controlled Substances Act, Ill. Rev. Stat. 1987, ch. 56 1/2, par. 1301 et seq.) prior to enrolling with the Department.
- 2) Licensed Pharmacy Requirements
 - A) A licensed pharmacy located in and/or administratively associated with a group practice or long-term facility must:
 - i) provide the same scope of general pharmacy and professional services as a pharmacy not so affiliated; and
 - ii) be retail in nature, open and accessible to the general public.
 - B) The pharmacy shall not limit prescriptions filled to those written by practitioners connected with the group or facility for persons receiving care or services from the group or facility.
 - 3) A hospital pharmacy which provides pharmaceutical services and supplies for inpatients, outpatient clinic patients and emergency room patients of the hospital may not enroll as a participating pharmacy. A second licensed pharmacy, established by a hospital separate and apart from the hospital pharmacy to serve the community as a retail pharmacy may participate as a retail pharmacy.
 - c) The Department shall pay for the dispensing of pharmacy items, which are listed in the Department Drug Manual (Section 140.72) and subject to the provisions of subsection (d), which are prescribed by a physician, dentist or podiatrist within the scope of their professional practice:-- Copies of the Department's Drug Manual are available from the Department's Bureau of Medical Practitioners, 201 South Grand Avenue East, Springfield, Illinois. Requests for copies should be sent in writing to that address.
 - d) Beginning with drugs dispensed on or after April 1, 1991, Department coverage shall be limited to those

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Section 140.440 Pharmacy Services (Cont'd)

drug manufacturers having rebate agreements in effect as provided under Section 1927 of Title XIX of the Social Security Act (42 U.S.C. 1396s). Coverage of new drug products from manufacturers meeting these provisions shall be available for at least six months from the date of U.S. Food and Drug Administration approval without prior authorization when prescribed for persons eligible for assistance under Title XIX of the Social Security Act so long as the drug requires unrestricted coverage under the Act. When reviewing requests for prior authorization, approval decisions shall be medically based.

e) Upon U.S. Food and Drug Administration approval of a new drug, the manufacturer of the drug shall submit materials to the Department notifying it of the approval. Within fifteen days following the Department's receipt of notification, the Department shall provide the manufacturer with evidence documenting the Department's coverage of the new drug.

f) The Department shall, on a quarterly basis, provide all interested parties with an updated list of products available without prior approval and an updated lists of drug manufacturers having rebate agreements in effect. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of these lists.

(Source: Amended at 16 Ill. Reg. 4006, effective March 6, 1992)

Section 140.441 Pharmacy Services Not Covered

Items excluded from coverage include the following:

a) Drug products manufactured by drug manufacturers not meeting the rebate requirements of Section 140.440(d) Drugs not listed in the Drug Manual (unless the Department gives prior approval);

b) Anorectic drugs or combinations including such drugs;

c) Biologicals and drugs available without charge from the Illinois Department of Public Health or other agencies;

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Section 140.441 Pharmacy Services Not Covered (Cont'd)

d) Any vaccine, drug or serum which is provided primarily for preventive purposes; e.g., influenza vaccine;

e) Drugs for injection in a practitioner's office unless the cost of the drug per injection (excluding administration) exceeds \$25.00;

f) Drugs that have been classified by the Food and Drug Administration (FDA) as ineffective or unsafe in a final order;

g) Drugs that the Food and Drug Administration has proposed in a notice of opportunity for hearing to withdraw labeled indications pursuant to Section 107(c)(3) of the Drug Amendments of 1962 (P.L. 87-781) and Section 505(e) of the Federal Food Drug and Cosmetic Act (21 USC 355 (e)) and any identical, related or similar drug products [determined by the FDA in accordance with 21 CFR 310.6];

h) Items identified as Group Care Restricted Items in the Drug Manual (see Section 140.449(b)) are not covered when provided to recipients living in licensed long-term care facilities;

i) Sickroom Needs and Medical Equipment Items are not covered as pharmacy items. A pharmacy which desires to provide such items must enroll as a provider of medical equipment; and

j) Miscellaneous Supplies which are stocked and dispensed by some pharmacies are not covered. These items include, but are not limited to, dental products, hair products, facial tissues, infant disposable diapers, sanitary pads, tampons, soap or other personal hygiene products, proprietary food supplements or substitutes, sugar or salt substitutes, household products, or infant formula for routine feeding.

(Source: Amended at 16 Ill. Reg. 4006, effective March 6, 1992)

Section 140.442 Prior Approval of Prescriptions

a) The Department may require prior approval for the prescription of any drug except as provided in Section 140.440(d). Determinations of whether prior approval

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NOTICE OF ADOPTED AMENDMENTS

Section 140.442 Prior Approval of Prescriptions (Cont'd)

for any drug is required shall be made in the following manner:

- 1) The Department shall consult with individuals or organizations which possess appropriate expertise in the areas of pharmacology and medicine. In doing so, the Department shall consult with organizations composed of physicians, pharmacologists, or both, and shall, to the extent that it consults with organizations, limit its consultations to organizations which include within their membership physicians practicing in all of the representative geographic areas in which recipients reside and practicing in a majority of the areas of specialization for which the Department reimburses physicians for providing care to recipients.
- 2) The Department shall consult with a panel from such organizations (the panel is selected by such organizations) to review and make recommendations regarding prior approval. The panel shall meet not less than four times a year for the purpose of the review of drugs. The actions of the panel shall be non-binding upon the Department and can in no way bind or otherwise limit the Department's right to determine in its sole discretion those drugs which shall require prior approval.
- 3) Upon U.S. Food and Drug Administration approval of a new drug, the manufacturer shall submit materials to the Department which the Department and the consulting organization shall consider in determining whether prescription of the drug shall require prior approval after the automatic six month coverage without prior approval period (see Section 140.440(d) and (e)). Absent submission of such materials by the manufacturer, prior approval shall be automatically required at the conclusion of the automatic six month coverage without prior approval period.
- 4) New dosage strengths and new dosage forms of products currently included in the list of drugs available without prior approval (see Section 140.440(f)) shall be included in the list of

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Section 140.442 Prior Approval of Prescriptions (Cont'd)

- drugs available without prior approval upon the request of the manufacturer, unless otherwise designated by the Director. In such a case, the Director shall submit the new dosage strength, or new form, to the prior approval procedures described in this section.
- 5) Upon receipt of the final agenda established for each meeting of the above described panel, the Department shall promptly review materials and literature supplied by drug manufacturers. Additional literature may be researched by the Department to assist them in their review of the products on the agenda. The Department shall make comments and within ten (10) working days of receipt of the agenda transmit such comments in writing to the panel. This shall be done for each meeting of the above described panel.
- 6) The consulting organization shall transmit its recommendations to the Department in writing.
- 7) Upon receipt of this transmittal letter, the Department shall notify within fifteen (15) working days all interested parties, including pharmaceutical manufacturers of the products, of all recommendations of the consulting organization accepted or rejected by the Director. Recommendations for prior authorization of new drug products shall become effective after thirty days prior notice to providers and all interested parties, including manufacturers. The Department shall maintain a mailing list of all interested parties who wish to receive a copy of applicable notices.
- 8) Drug manufacturers shall be afforded an opportunity to request reconsideration of products recommended for prior approval. The drug manufacturers may submit whatever information they deem appropriate to support their request for reconsideration of the drug product. All reconsideration requests must be submitted in writing to the Department and shall be considered at the next regularly scheduled meetings of the above described expert panel convened by the consulting organization.

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Section 140.442 Prior Approval of Prescriptions (Cont'd)

- 2) The Department shall utilize the procedures described in subsections (1) through (7) to give EXPEDITED REVIEW OF ANY DRUG FOR THE TREATMENT OF ACQUIRED IMMUNODEFICIENCY SYNDROME (AIDS) WHICH THE FEDERAL FOOD AND DRUG ADMINISTRATION HAS INDICATED IS SUBJECT TO A TREATMENT INVESTIGATIONAL NEW DRUG APPLICATION, and which is not available free of charge to recipients from the drug manufacturer or distributor.
- a) b) The Department shall require prior approval for the prescription of any items not otherwise excluded by rule but listed in or in excess of the quantities listed in the Department Drug Manual (see Section 140.72). Approval will be given except as provided in subsection (c). Prior approval shall be given for drugs requiring such authorization if:

- 1) The drug is a legend item (requires a prescription); and
- 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopoeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature standards and indications approved by the Food and Drug Administration; and
- 3) The drug is necessary to prevent a higher level of care, such as institutionalization; or
- 4) Alternate therapies which are in the Drug Manual are not effective in treating the patient's condition. The prescriber has determined that the drug is medically necessary.

b) c) For recipients covered by the Basic Health Protection Plan, (MANG-AFPG-adults, GA or AMI), the Department shall require prior approval for the prescription of any item not included as vital in the Department's drug manual. Approval will be given prior approval shall be given for drugs requiring such authorization if:

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Section 140.442 Prior Approval of Prescriptions (Cont'd)

- 1) The drug is a legend item (requires a prescription), and
- 2) The drug is used in accordance with predetermined standards consistent with the compendia consisting of the American Hospital Formulary Service Drug Information, the United States Pharmacopoeia-Drug Information and the American Medical Association Drug Evaluations, as well as the peer-reviewed medical literature standards and indications approved by the Food and Drug Administration, and
- 3) The physician has documented that the requested item is necessary to prevent a life threatening situation and that items covered under the basic health protection plan are not effective to maintain the patient's life or to avoid the life threatening situation.

e) d) Decisions on all requests for prior approval shall be made within 30 days of the date of the request. (See Sections 140.40 through 140.42). By telephone or other telecommunications device and, upon the Department's receipt of such request, shall be made by the same time of the Department's next working day. In an emergency situation, the Department shall provide for the dispensing of at least a 72-hour supply of a covered prescription drug.

(Source: Amended at 16 Ill. Reg. 4006, effective March 6, 1992)

Section 140.449 Payment of Pharmacy Items

- a) The Department shall pay no more for charges submitted than the maximum permitted by Federal regulations.

b) Explanation of drug restrictions

- 1) Group Care and General Assistance Restricted - The drug is available to all recipient categories except recipients of General Assistance and individuals residing in a nursing home.
- 2) The nursing home must provide the following listed drugs to resident recipients at no charge.

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Section 140.449 Payment of Pharmacy Items (Cont'd)

to the recipient:

ACETAMINOPHEN DROPS 80MG/0.8ML
ACETAMINOPHEN DROPS 120MG/2.5ML
ACETAMINOPHEN ELIXIR/SYRUP 120MG/5ML
ACETAMINOPHEN TAB/CAP 325MG
ACETAMINOPHEN TAB/CAP 500MG
ACETAMINOPHEN TAB/CAP 650MG
ACETAMINOPHEN TABLET CHEWABLE 80MG
ACETAMINOPHEN TABLET CHEWABLE 120MG
ASPIRIN TAB BUFFERED 325MG
ASPIRIN TAB BUFFERED 600MG
ASPIRIN TAB EC 300MG
ASPIRIN TAB EC 600MG
ASPIRIN TAB PEDIATRIC
ASPIRIN TAB 300MG
ASPIRIN TAB 600MG
GLUCOLA LIQUID
MILK OF MAGNESIA LIQUID
MILK OF MAGNESIA TABLET
ZINC OXIDE OINTMENT

c) No restrictions - The drug is available to all recipient categories including nursing home residents and recipients of basic health coverage.

d) Group Care Restricted - The drug is available to all recipients except recipients residing in nursing homes. The nursing home must provide the following listed items to resident recipients at no charge to the recipient:

ACETEST REAGENT TABLETS
ALBUSTIX STRIPS
CHEMSTRIP BG STRIPS
CHEMSTRIP GP
CHEMSTRIP K PAPERS
CHEMSTRIP TEST KIT
CHEMSTRIP UG STRIPS
CHEMSTRIP UGK STRIPS
CHEMSTRIP 5
CLINISTIX STRIP
CLINITEST (2 DROP)
CLINITEST ANALYSIS SET
CLINITEST ANALYSIS SET (2 DROP)
CLINITEST TABLET
CLINITEST TABLET FOIL

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Section 140.449 Payment of Pharmacy Items (Cont'd)

COMBISTIX
DEXSTOSTIX REAGENT STRIPS
DEXSTOSTIX REAGENT STRIPS FOIL
DIASCAN DUAL PAD STRIPS
DIASTIX STRIPS
EXACTECH TEST STRIPS
GLUCOFILM TEST STRIPS
GLUCOSCAN TEST STRIPS
GLUCOSTIX STRIPS
HEMA-COMBISTIX
HEMASTIX STRIPS
HEMATEST TABLET
KETO-DIASTIX
KETO-DIASTIX 5
KETOSTIX STRIPS
LABSTIX
LANCET FOR DIABETIC USE, STERILE
N-URISTIX
ONE TOUCH TEST STRIPS
TES-TAPE
TRACER BG STRIPS
TRENDSTRIPS
URISTIX
VISIDEX II REAGENT STRIPS
ANY PRODUCT EQUIVALENT TO THOSE ON THE ABOVE LIST OR ANY OTHER NONLISTED DIABETIC TESTING SUPPLY

e) Group care limited - The drug is available only to recipients residing in nursing homes.

(Source: Amended at 16 Ill. Reg. 4006, effective March 6, 1992)

SUBPART E: GROUP CARE

Section 140.514 Certifications and Recertifications of Care

a) Prior to the authorization of payment by the Illinois Department of Public Aid (IDPA), a A-physician must certify for each applicant or recipient in a Skilled Nursing Facility (SNF), an Intermediate Care Facility (ICF), or an Intermediate Care Facility for the Mentally Retarded (ICF/MR), an Intermediate Care Facility for the Mentally Retarded-Skilled/Radiatric license, (ICF/MR (SNF/FED)), a Department of Mental

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

Section 140.514

Certifications and Recertifications of Care
(Cont'd)

Health and Developmental Disabilities (DMHDD) facility for psychiatric services, or a psychiatric hospital (PSYCH_HOSP) that SNF, ICF, or ICF/MR, ICF/MR(SNF/PED), DMHDD/PSYCH, or PSYCH_HOSP services are needed.

b) Recertifications of need for care must be conducted within the following intervals:

1) SNFs:

- A) 30 days after the date of the initial certification;
- B) 60 days after the date of the initial certification;
- C) 90 days after the date of the initial certification; and
- D) every 60 days thereafter.

2) ICFs, ICFs/MR and ICFs/MR(SNF/PED):

- A) 60 days after the date of the initial certification;
- B) 180 days after the date of the initial certification;
- C) 12 months after the date of the initial certification;
- D) 18 months after the date of the initial certification;
- E) 24 months after the date of the initial certification; and
- F) every 12 months thereafter.

3) ICF/MR or DMHDD/PSYCHs and PSYCH_HOSP:

- A) 12 months after the date of the

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Section 140.514

Certifications and Recertifications of Care
(Cont'd)

initial certification; and

- B) every 12 months-60 days thereafter.

(Source: Amended at 16 Ill. Reg. 4006, effective March 6, 1992)

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- 1) The Heading of the Part: REIMBURSEMENT FOR NURSING COSTS FOR GERIATRIC FACILITIES
- 2) Code Citation: 89 Ill. Adm. Code 147
- 3) Section Numbers: Adopted Action:
147.TABLE A Amendment
147.TABLE B Amendment
- 4) Statutory Authority: Sections 5-5.1 et seq. and 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, Ch. 23, Pars. 5-5.1 et seq. and 12-13)
- 5) Effective Date of Adopted Amendments: March 4, 1992
- 6) Does this rulemaking contain an automatic repeal date?
___ Yes X No
- 7) Do these Adopted Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: March 4, 1992
- 9) Notices of Proposal Published in Illinois Register:
May 17, 1991 (15 Ill. Reg. 7501)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: There were no differences.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Adopted Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

There are still emergency amendments in effect in Section 147.TABLE A and 147.TABLE B which are not affected by this set of adopted amendments. The emergency amendments appear at 15 Ill. Reg. 16435, effective October 22, 1991, for a

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NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days. The copies filed with the Administrative Code Division reflect both the adopted and emergency amendments.

Section Numbers	Proposed Action	Illinois Register Citation
147.150	Amendment	November 8, 1991 (15 Ill. Reg. 15940)
147.Table A	Amendment	November 8, 1991 (15 Ill. Reg. 15940)
147.Table B	Amendment	November 8, 1991 (15 Ill. Reg. 15940)

- 15) Summary and Purpose of Adopted Amendments: This rulemaking corrects time, allocation and staff type designations for the Occupational and Physical Therapy categories. In addition, Contingence Restorative is deleted from TABLE A and placed in TABLE B. Finally, all items related to Decubitus Care and Prevention have been revised to read Pressure Ulcer Care and Prevention.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Daniel Leikvold, Staff Attorney
Office of the General Counsel

Address: Illinois Department of Public Aid
Jesse B. Harris Building II
100 South Grand Avenue East, 3rd Floor
Springfield, Illinois 62762

Telephone: (217) 782-1233

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMS

PART 147

REIMBURSEMENT FOR NURSING COSTS FOR
GERIATRIC FACILITIES

Section 147.5	Reimbursement For Nursing Costs For Geriatric Residents in Group Care Facilities
147.15	Comprehensive Resident Assessment
147.25	Functional Needs and Restorative Care
147.50	Service Needs
147.75	Definitions
147.100	Reconsiderations
147.105	Midnight Census Report
147.125	Times and Staff Levels
147.150	Statewide Rates
147.175	Referrals
147.200	Basic Rehabilitation Aide Training Program
147.205	Nursing Rates
147.250	Costs Associated with the Omnibus Budget Reconciliation Act of 1987 (Emergency Expired)
147.300	Determination of Program (Specialized Services) Costs
147.305	Specialized Service Requirements for Individuals With Mental Illness in Residential Facilities
147.310	Inspection of Care (IOC) Review Criteria for the Evaluation of Specialized Services in Residential Facilities for Individuals with Mental Illness
147.315	Comprehensive Functional Assessments and Reassessments
147.320	Interdisciplinary Team (IDT)
147.325	Comprehensive Care Plan (CCP)
147.330	Specialized Care - Administration of Psychopharmacologic Drugs
147.335	Specialized Care - Behavioral Emergencies
147.340	Discharge Planning
147.345	Reimbursement for Program Costs in Nursing Facilities Providing Specialized Services for Individuals with Mental Illness
147.350	Reimbursement for Additional Program Costs Associated with Providing Active Treatment for Individuals with Developmental Disabilities in Nursing Facilities
147.TABLE A	Staff Time and Allocation by Need Level
147.TABLE B	Staff Time and Allocation for Restorative Programs

Section 147.TABLE C	Comprehensive Resident Assessment
147.TABLE D	Functional Needs and Restorative Care
147.TABLE E	Service
147.TABLE F	Social Services
147.TABLE G	Therapy Services
147.TABLE H	Determinations
147.TABLE I	Activities
147.TABLE J	Signatures
147.TABLE K	Rehabilitation Services

AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1989, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1989, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Recodified from 89 Ill. Adm. Code 140.900 thru 140.912 and 140.913 thru 140.914. Table I at 12 Ill. Reg. 6956; amended at 13 Ill. Reg. 559, effective January 1, 1989; amended at 13 Ill. Reg. 7043, effective April 24, 1989; emergency amendment at 13 Ill. Reg. 10999, effective July 1, 1989, for a maximum of 150 days; emergency expired November 28, 1989; amended at 13 Ill. Reg. 16796, effective October 13, 1989; amended at 14 Ill. Reg. 210, effective December 21, 1989; emergency amendment at 14 Ill. Reg. 6915, effective April 19, 1990, for a maximum of 150 days; emergency amendment at 14 Ill. Reg. 9523, effective June 4, 1990, for a maximum of 150 days; emergency expired November 1, 1990; emergency amendment at 14 Ill. Reg. 14203, effective August 16, 1990, for a maximum of 150 days; emergency expired January 13, 1991; emergency amendment at 14 Ill. Reg. 15578, effective September 11, 1990, for a maximum of 150 days; emergency expired February 8, 1991; amended at 14 Ill. Reg. 16669, effective September 27, 1990; amended at 15 Ill. Reg. 2715, effective January 30, 1991; amended at 15 Ill. Reg. 3058, effective February 5, 1991; amended at 15 Ill. Reg. 7162, effective April 30, 1991; amended at 15 Ill. Reg. 9001, effective June 17, 1991; amended at 15 Ill. Reg. 13390, effective August 28, 1991; emergency amendment at 15 Ill. Reg. 16435, effective October 22, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 4035, effective March 4, 1992.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

AGENCY NOTE: The text of Sections 147.TABLE A and 147.TABLE B which appear below do not include emergency amendments adopted at 15 Ill. Reg. 16435, effective October 22, 1991, for a

DEPARTMENT OF PUBLIC AID
NOTICE OF ADOPTED AMENDMENTS

maximum of 150 days. The copies filed with the Administrative Code Division reflect both the adopted and emergency amendments.

Section 147. Table A Staff Time and Allocation by Need Level

a) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on January 1, 1988, through June 30, 1989.

Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	6		Nurse Aide
	1	12		Nurse Aide
	2	22		Nurse Aide
Clothing	0	4		Nurse Aide
	1	10		Nurse Aide
	2	20		Nurse Aide
Eating	0	6		Nurse Aide
	1	15		Nurse Aide
	2	39		Nurse Aide
	3	39		Licensed Staff
Mobility	0	5		Nurse Aide
	1	12		Nurse Aide
	2	14		Nurse Aide
Continence	0	2		Nurse Aide
	1	14		Nurse Aide
	2	18		Nurse Aide
	3	22		Nurse Aide
Psycho-Social Care	0	12		Nurse Aide
	1	22	17.5/4.5	Nurse Aide/ Licensed Staff
	2	28	19.5/8.5	Nurse Aide/ Licensed Staff
	3	36	35/1	Nurse Aide/ Licensed Staff
Appliances	0	0		Nurse Aide/ Licensed Staff
	1	6	5/1	Nurse Aide/ Licensed Staff
	2	12	10/2	Nurse Aide/ Licensed Staff

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Section 147. Table A Staff Time and Allocation by Need Level
(Cont'd)

Item	Level	Time	Allocation	Staff Type
Catheters	0	0		Nurse Aide/ Licensed Staff
	1	12	6/6	Licensed Staff
	2	14		Licensed Staff
Pressure Ulcer Care Deubitus-Care	0	0		Licensed Staff
	1	8		Licensed Staff
	2	20		Licensed Staff
	3	0	0/0	Licensed Staff
Pressure Ulcer Prevention Deubitus-Prevention	0	0		Nurse Aide/ Licensed Staff
	1	8	6/2	Licensed Staff
	2	14	12/2	Nurse Aide/ Licensed Staff
	4	0	0/0	Licensed Staff
Wound Care	0	0		Licensed Staff
	1	6		Licensed Staff
	2	18		Licensed Staff
Injections	0	0		Licensed Staff
	1	1		Licensed Staff
	2	4.5		Licensed Staff
Intravenous, Clysis	0	0		Licensed Staff
	1	4		Licensed Staff
	2	8		Licensed Staff
Lab Specimen	0	0		Nurse Aide/ Licensed Staff
	1	1	.5/.5	Licensed Staff
	2	2	1/1	Licensed Staff
	3	10	5/5	Nurse Aide/ Licensed Staff
				Licensed Staff
Speech - Language Pathology and Audiology	0	0		Therapist
	1	8		

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Section 147. Table A

Staff Time and Allocation by Need Level
(Cont'd)

Item	Level	Time	Allocation	Staff Type
Medications and Medication Monitoring	0	12		Licensed Staff
	1	14		Licensed Staff
	2	16		Licensed Staff
Occupational Therapy	3	18		Licensed Staff
	0	0		
	1	14		Therapist
Ostomy Care	2	14	13/1	COTA/Therapist
	3	14	13/1	Nurse Aide/
	4	1		Therapist
Physical Therapy	0	0		Therapist
	1	14		Therapist
	2	14	13/1	Licensed
Respiratory Therapy	3	14	13/1	Licensed
	4	1		Therapist
	0	0		Therapist
Tracheostomy Care	1	17	15/2	PTA/Therapist
	2	25	5/20	Nurse Aide/
	0	0		Licensed Staff
Suctioning	1	6		Nurse Aide/
	2	13		Licensed Staff
	0	0		Licensed Staff
Passive Range of Motion	1	5		Licensed Staff
	2	30		Licensed Staff
	0	0		
Discharge Planning	1	7		Nurse Aide
	2	14		Nurse Aide
	0	0		
	1	10		Licensed Staff
	2	14		
	0	0		

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Section 147. Table A

Staff Time and Allocation by Need Level
(Cont'd)

Item	Level	Time	Allocation	Staff Type
Health and Fitness	0	0		Nurse Aide/
	1	4	3/1	Licensed Staff
	2	5	3/2	Nurse Aide/
	3	4	3/1	Licensed Staff
Activities	0	10		Nurse Aide
Grooming	0	3		Nurse Aide
Agency Note: level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.				
b) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on July 1, 1989 through December 31, 1990.				
Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	6		Nurse Aide
	1	12		Nurse Aide
	2	22		Nurse Aide
Clothing	0	4		Nurse Aide
	1	10		Nurse Aide
	2	20		Nurse Aide
Eating	0	6		Nurse Aide
	1	15		Nurse Aide
	2	39		Nurse Aide
Mobility	3	39		Licensed Staff
	0	5		Nurse Aide
	1	12		Nurse Aide
Continence	2	14		Nurse Aide
	0	2		Nurse Aide
	1	14		Nurse Aide
	2	19.6		Nurse Aide

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Section 147. Table A Staff Time and Allocation by Need Level
(Cont'd)Section 147. Table A Staff Time and Allocation by Need Level
(Cont'd)

Item	Level	Time	Allocation	Staff Type
Psycho-Social Care	0 1	12 28	19.5/8.5	Nurse Aide/ Nurse Aide/ Licensed Staff
Appliances	0 1	0 7	6/1	Nurse Aide/ Licensed Staff
Catheters	0 1	0 12.1	6/6.1	Nurse Aide/ Licensed Staff
Pressure Ulcer Care Deambulator-Care	0 1 2 3 4	0 8 20 0 0	0/0 0/0	Licensed Staff Licensed Staff
Pressure Ulcer Prevention Deambulator-Prevention	0 1 2	0 8 14	6/2 12/2	Nurse Aide/ Licensed Staff Nurse Aide/ Licensed Staff
Wound Care	0 1 2	0 6 18		Licensed Staff Licensed Staff
Injections	0 1 2	0 1 4.5		Licensed Staff Licensed Staff
Intravenous, Clysis	0 1 2	0 4 8		Licensed Staff Licensed Staff
Lab Specimen	0 1 2 3	0 1 2 10	.5/.5 1/1 5/5	Nurse Aide/ Licensed Staff Nurse Aide/ Licensed Staff Nurse Aide/ Licensed Staff

Item	Level	Time	Allocation	Staff Type
Speech - Language Pathology and Audiology	0 1	0 0		Therapist
Medications and Medication	0 1	12.8 16.1		Licensed Staff Licensed Staff
Occupational Therapy	0 1	0 13.14	13/1	Nurse Aide/ Therapist
Ostomy Care	0 1 2	0 6 13		Licensed Licensed
Physical Therapy	0 1	0 13.14	13/1	Nurse Aide Therapist
Respiratory Therapy	0 1 2	0 17 25	15/2 5/20	Nurse Aide/ Licensed Staff Nurse Aide/ Licensed Staff
Tracheostomy Care	0 1 2	0 6 13		Licensed Staff Licensed Staff
Suctioning	0 1 2	0 5 30		Licensed Staff Licensed Staff
Passive Range of Motion	0 1	0 11.8		Nurse Aide
Discharge Planning	0 1	0 10		Licensed Staff
Health and Fitness	0 1	0 4	3/1	Nurse Aide/ Licensed Staff
Activities	0	10		Nurse Aide

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Section 147. Table A Staff Time and Allocation by Need Level
(Cont'd)

Item	Level	Time	Allocation	Staff Type
Grooming	0	3		Nurse Aide
c) The following reimbursement times, allocations, and need levels apply for all reimbursement periods commencing on or after January 1, 1991.				
Item	Level	Time	Allocation	Staff Type
Bathing, Grooming	0	6		Nurse Aide
	1	12		Nurse Aide
	2	22		Nurse Aide
Clothing	0	4		Nurse Aide
	1	10		Nurse Aide
	2	20		Nurse Aide
Eating	0	6		Nurse Aide
	1	15		Nurse Aide
	2	39		Nurse Aide
	3	39		Licensed Staff
Mobility	0	5		Nurse Aide
	1	12		Nurse Aide
	2	14		Nurse Aide
Continence	0	2		Nurse Aide
	1	14		Nurse Aide
	2	19.6		Nurse Aide
Psycho-Social Care	0	12	19.5/8.5	Nurse Aide
	1	28		Nurse Aide/ Licensed Staff
Appliances	0	0		Nurse Aide/ Licensed Staff
	1	7	6/1	Nurse Aide/ Licensed Staff
Catheters	0	0		Nurse Aide/ Licensed Staff
	1	12.1	6/6.1	Nurse Aide/ Licensed Staff
Pressure Ulcer Care	0	0		Licensed Staff
Deeubitus-Care	1	8		Licensed Staff

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Section 147. Table A Staff Time and Allocation by Need Level
(Cont'd)

Item	Level	Time	Allocation	Staff Type
Pressure Ulcer Care	2	20		Licensed Staff
Deeubitus-Care	3	0	0/0	
	4	0	0/0	
Pressure Ulcer Prevention	0	0		Nurse Aide/ Licensed Staff
Deeubitus-Prevention	1	8	6/2	Licensed Staff
Pressure Ulcer Prevention	2	14	12/2	Nurse Aide/ Licensed Staff
Deeubitus-Prevention	2	14		Licensed Staff
Wound Care	0	0		Licensed Staff
	1	6		Licensed Staff
	2	18		Licensed Staff
Injections	0	0		Licensed Staff
	1	1		Licensed Staff
	2	4.5		Licensed Staff
Intravenous, Clysis	0	0		Licensed Staff
	1	4		Licensed Staff
	2	8		Licensed Staff
Lab Specimen	0	0		Nurse Aide/ Licensed Staff
	1	1	.5/.5	Licensed Staff
	2	2	1/1	Nurse Aide/ Licensed Staff
	3	10	5/5	Nurse Aide/ Licensed Staff
Speech - Language Pathology and Audiology	0	0		Therapist
	1	0		Licensed Staff
Medications and Medication Monitoring	0	12.8		Licensed Staff
	1	16.1		Licensed Staff
	2	18.1		Licensed Staff
Occupational Therapy	0	0		Nurse Aide/ Therapist
	1	13.14	13/1	

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NOTICE OF ADOPTED AMENDMENTS

Section 147. Table A Staff Time and Allocation by Need Level (Cont'd)

Item	Level	Time	Allocation	Staff Type
Ostomy Care	0	0		
	1	6		Licensed
	2	13		Licensed
Physical Therapy	0	0		
	1	13/14	13/1	Nurse Aide/Therapist
Respiratory Therapy	0	0		
	1	17	15/2	Nurse Aide/Licensed Staff
	2	25	5/20	Nurse Aide/Licensed Staff
Tracheostomy Care	0	0		
	1	6		Licensed Staff
	2	13		Licensed Staff
Suctioning	0	0		
	1	5		Licensed Staff
	2	30		Licensed Staff
Passive Range of Motion	0	0		
	1	11.8		Nurse Aide
Resident Assessment	0	2.6	.5/1.1/.7/.3	Nurse Aide/Licensed Staff/Registered Nurse/Social Worker
	1	7.8	1.5/3.3/2.1/.9	Nurse Aide/Licensed Staff/Registered Nurse/Social Worker
	2			Licensed Staff
Discharge Planning	0	0		
	1	10		Licensed Staff
Health and Fitness	0	0		
	1	4	3/1	Nurse Aide/Licensed Staff

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Section 147. Table A Staff Time and Allocation by Need Level (Cont'd)

Item	Level	Time	Allocation	Staff Type
Activities	0	10		Nurse Aide
	0	3		Nurse Aide
	0	0		Nurse Aide
Grooming	0	0		
	1	2	.5/.5/1	Nurse Aide/Licensed Staff
	2	3.6	.8/.8/2	Social Worker
Social Services	0	0		Nurse Aide
	1	2		Licensed Staff
	2	3.6		Social Worker
Continence Restorative	0	0		
	1	14	12/2	Nurse Aide/Licensed Staff
	2	26	24/2	Nurse Aide/Licensed Staff
Restraint Management and Reduction	0	0		
	1	8	6/2	Nurse Aide/Licensed Staff
	2			Licensed Staff
Communication	0	0		
	1	2.5	2/.5	Nurse Aide/Licensed Staff
	2	5	4/1	Nurse Aide/Licensed Staff
	0	0		
	1	7.5	6/1.5	Nurse Aide/Licensed Staff
	2			Licensed Staff

Agency Note: level "0" carries no reimbursement potential when accompanied by "0" time. Level "0" provides reimbursement for every facility when accompanied with time. Such time becomes a facility's base rate for every resident.

(Source: Amended at 16 Ill. Reg. 4035, effective March 4, 1992)

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DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

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Section 147. Table B Staff Time and Allocation for Restorative Programs (Cont'd)

Item	Level	Time	Allocation	Staff Type
Continence	0	0		
	1	14	12/2	Nurse Aide/ Licensed Staff
	2	26	24/2	Nurse Aide/ Licensed Staff

(Source: Amended at 16 Ill. Reg. 4035, effective March 4, 1992)

1) Heading of the Part:

AIDS Drug Reimbursement Program

2) Code Citation:

77 Ill. Adm. Code 692

3) Section Numbers:

692.10

692.Appendix A

692.Appendix B

Adopted Action:

New Section

New Section

New Section

4) Statutory Authority:

Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff, as amended by Public Law 101-381, effective August 18, 1990) and authorized by Section 55.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55.41).

5) Effective Date of Rules:

February 27, 1992

6) Does this Rulemaking Contain an Automatic Repeal Date? Yes ___ No X

If "yes," please specify date:

7) Does this Rulemaking Contain Any Incorporations by Reference? Yes ___ No X

If "yes," please specify type: 6.02(a) ___ or 6.02(b) ___

If "6.02(b)," was a copy of the approval form issued by the Joint Committee attached to this rulemaking? Yes ___ No ___

8) Date Filed in Agency's Principal Office:

February 27, 1992

9) Date Notice(s) of Proposal was Published in Illinois Register:

November 22, 1991 - 15 Ill. Reg. 14389

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objections to this/these Rules? Yes ___ No X

If "yes," please complete the following:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- A) Statement of Objection: _____, Ill. Reg. _____
- B) Agency Response: _____, Ill. Reg. _____
- C) Date Agency Response Submitted for Approval to the Joint Committee: _____

11) Difference Between Proposal and Final Version:

No changes were made in response to comments received during the first notice or public comment period.

No changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes X No _____

14) Are there any other Amendments Pending on this Part? Yes _____ No X

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

15) Summary and Purpose of Rules:

This rulemaking sets forth eligibility requirements for the AIDS Drug Reimbursement Program.

To be eligible for services under the program, an individual must:

- make application with the Illinois Department of Public Health;
- be diagnosed as having AIDS or HIV;
- qualify financially with anticipated net monthly income at or below 200% of the Federal Poverty Level for the size of the household;

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- not be eligible for the Medical Assistance Program on the date drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown unmet status may participate); and
- not be eligible for 100% coverage for drugs through another third party payor.

16) Information and Questions regarding this adopted Rulemaking shall be directed to:

Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Rules begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONSPART 692
AIDS DRUG REIMBURSEMENT PROGRAMSection
692.10

Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection
1991 Poverty Income Guidelines
CARE Act Sliding Fee Scale

692.Appendix A
692.Appendix B

AUTHORITY: Implementing Title II of the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (42 USC 300ff, as amended by Public Law 101-381, effective August 18, 1990) and authorized by Section 55.41 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1989, ch. 127, par. 55-41).

SOURCE: Emergency rule adopted at 15 Ill. Reg. 14699, effective September 30, 1991, for a maximum of 150 days; adopted at 16 Ill. Reg. 4052, effective February 27, 1992

Section 692.10

Drugs to Prolong the Lives of Non-Medicaid Persons with Acquired Immunodeficiency Syndrome (AIDS) or Human Immunodeficiency Virus (HIV) Infection

Drugs provided under this Section are paid for on behalf of low income individuals with Acquired Immunodeficiency Syndrome (AIDS) or persons with the Human Immunodeficiency Virus (HIV).

- a) To qualify for services under this Section, a person must be enrolled in the AIDS Drug Reimbursement Program as of September 30, 1991, or
 - 1) make application with the Illinois Department of Public Health (Department);
 - 2) be diagnosed as having AIDS or HIV;
 - 3) qualify financially with anticipated net monthly income at or below 200% of the Federal Poverty Level for the size of the household (See Appendix A);
 - 4) not be eligible for 100% insurance coverage for drugs through another third party payor;

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED RULES

- 5) not be eligible for the Medical Assistance Program (Medicaid) on the date drugs are obtained (individuals with financial/medical assistance applications pending or individuals in spenddown (net status may participate); and
- 6) not be eligible for payment of medical services from any other governmental entity.
- b) The drugs that are covered under the AIDS Drug Reimbursement Program are azidothymidine (AZT) or Retrovir, didoxynosine (DDI), aerosolized pentamidine, sulfamethoxazole/trimethoprim and alpha interferon.
- c) To be eligible for services, all prescriptions must be filled by the Department's sole pharmacy contractor.
- d) The sole pharmacy contractor may charge a fee for services. If a fee for services is charged, it must be in accordance with and conform to the sliding fee structure specified in Title II of the CARE Act (See Appendix B).
- e) The Department will make a disposition and issue a written decision on an application filed pursuant to this Section within thirty (30) days from the date the Department receives the application. An individual may appeal the Department's denial of his/her application. Such appeal shall be in accordance with the Department's rules of practice and procedure in administrative hearings (77 Ill. Adm. Code 100).

Section 692.Appendix A 1991 Poverty Income Guidelines

1991 Poverty Income Guidelines

Size of Family Unit	Poverty Guideline
1	\$ 6,620
2	8,880
3	11,140
4	13,400
5	15,660
6	17,920
7	20,180
8	22,440

For family units with more than 8 members, add \$2,260 for each additional member.

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NOTICE OF ADOPTED RULES

Section 692. Appendix B CARE Act Sliding Fee Scale

CARE Act Sliding Fee Scale

Individual/Family Annual Gross Income	Total Allowable Annual Charges
Equal to or below the official poverty line	No charges permitted
101 to 200 percent of the official poverty line	5 percent or less of gross income level

SECRETARY OF STATE

NOTICE OF ADOPTED AMENDMENT(S)

- 1) The Heading of the Part: Illinois Union Label Act
- 2) Code Citation: 14 Ill. Adm. Code 175
- 3) Section numbers: 175.10
Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Illinois Union Label Act (P.A. 84-517, effective January 1, 1989).
- 5) Effective Date of Amendment: March 6, 1992
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office:
- 9) Notice of Proposal Published in Illinois Register:
15 Ill. Reg. 7518, November 22, 1991
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version:
There were no changes.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these amendments replace an emergency rule amendment currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rules: This rules reflects that documents will be filed with the Department of Business Services instead of the Index Department.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Robert B. Powers
Assistant Counsel
298 Centennial Building
Springfield, Illinois 62706
217/785-3094

The full text of the Adopted Amendment begins on the next page:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 14: COMMERCE
SUBTITLE A: REGULATION OF BUSINESS
CHAPTER 1: SECRETARY OF STATE

PART 175
ILLINOIS UNION LABEL ACT

Section
175.10 Filing with the Secretary of State
175.20 Requirements for Filing

AUTHORITY: Implementing and authorized by the Illinois Union Label Act (P.A. 84-517, effective January 1, 1989).

SOURCE: Adopted at 10 Ill. Reg. 19115, effective October 27, 1986; amended at 16 Ill. Reg. 4058, effective March 6, 1992.

Section 175.10 Filing with the Secretary of State

All documents required to be filed with the Secretary of State for the Illinois Union Label Act (P.A. 84-517, effective January 1, 1986) shall be filed with the ~~index--Department--~~ B--Monroe-Street Department of Business Services, Room 300, Centennial Building, Springfield, Illinois 62756, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, excluding holidays.

(Source: Amended at 16 Ill. Reg. 4058, effective March 6, 1992)

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part: Guaranteed Loan Programs

2) Code Citation: 23 Ill. Adm. Code 2720

3) Section numbers: Adopted Action:
2720.10 amended
2720.40 amended

4) Statutory Authority: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

5) Effective Date of Rule(s) Amendments: February 28, 1992

6) Does this rulemaking contain an automatic repeal date? No.

7) Does this amendment contain incorporations by reference? No.

8) Date Filed in Agency's Principal Office: February 21, 1992

9) Notice(s) of Proposal Published in Illinois Register:

October 18, 1991, 15 Ill. Reg. 15026, Issue 42

10) Has JCAR issued a Statement of Objections to these rule(s)? No.

11) Difference(s) between proposal and final version:

Minor punctuation changes were made at the request of the Joint Committee on Administrative Rules, however, no substantive changes were made to this amendment.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.

13. Will these amendments replace an emergency rule currently in effect? Yes.

14. Are there any amendments pending on this Part? No.

15. Summary and Purpose of Amendments: The Illinois Student Assistance Commission (ISAC) has an obligation to protect the financial integrity of its guaranteed student loan programs. These amendments have the effect of reinstating residency requirements for students and parent borrowers

ILLINOIS STUDENT ASSISTANCE COMMISSION

NOTICE OF ADOPTED AMENDMENTS

Nevertheless, it is the Commission's intention to revisit this issue next year, after action has been taken on major banking and student aid reform bills currently pending before Congress.

16. Information and questions regarding these adopted rules amendments shall be directed to:

Mr. Larry E. Matejka
Executive Director
Illinois Student Assistance Commission
106 Wilnot Road
Deerfield, IL 60015
(708) 948-8500

The full text of the adopted rules amendments begin on the next page.

that had been repealed by the Commission in 1987. The residency requirement was repealed largely in response to changes in Illinois banking laws, in an effort to accommodate lenders participating in ISAC's student loan programs. At the time, ISAC did not foresee that the rule change would have the unintended and potentially costly consequence of permitting large numbers of out-of-state schools with high rates of student loan defaults access to the Commission's loan programs.

Requests for approval to participate in ISAC's programs by out-of-state schools have increased dramatically since 1988, in proportion to the significant changes that were made in student loan programs for the nation as a whole. For example, the Higher Education Assistance Foundation (HEAF), one of the nation's largest guarantors of student loans, began limiting the size of its student loan portfolio and eventually ended in financial collapse. Throughout the 1980's, HEAF served as the guarantor of choice for the nation's trade schools, actively soliciting their business. With HEAF's withdrawal from the loan programs, many trade and technical schools have sought to establish relationships with alternative guarantors. Over 400 out-of-state schools had expressed an interest in participating in ISAC's loan programs.

As the designated guarantor for the State of Illinois, ISAC's primary obligation is to its clients located in this State. ISAC is required to draw on its reserve fund to reimburse lenders when a student loan goes into default. The need to maintain a reserve fund sufficient to cover the agency's outstanding obligations is essential for the continued viability of this program in Illinois. The Commission's ability to maintain adequate reserves would be threatened if it were to admit large numbers of foreign schools with high default rates into its student loan programs. The historical experience of ISAC and other guarantee agencies suggests that a high percentage of these loans coming from institutions currently requesting participation are likely to default. Admitting large numbers of out-of-state schools into ISAC's programs would severely strain the agency's reserve fund, would require the reallocation of already limited resources, and would undermine its ability to honor its current contractual obligations to the federal government.

These amendments enable the Commission to protect the immediate and long-term financial integrity of its reserve fund. A survey of ISAC lenders indicates that repeal of the rules change implemented at their request in 1987 would not adversely impact their operations; in fact, all lenders consulted by ISAC support these proposed amendments.

The experience of the past three years suggests that the rules amendment adopted by ISAC in 1987 was not necessary; the structural changes in Illinois banking have not had the dramatic consequences anticipated by ISAC at that time. At this point, these amendments can be adopted without hindering ISAC from discharging its statutory responsibilities.

ILLINOIS STUDENT ASSISTANCE COMMISSION

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NOTICE OF ADOPTED AMENDMENTS

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TITLE 23: EDUCATION AND CULTURAL RESOURCES
SUBTITLE A: EDUCATION

CHAPTER XIX: ILLINOIS STUDENT ASSISTANCE COMMISSION

PART 2720

GUARANTEED LOAN PROGRAMS

SUBPART A: Loan Guaratee Programs:

THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section	Summary and Purpose
2720.5	Definitions
2720.6	Eligibility for ISAC Loan Guarantees
2720.10	Lender Eligibility
2720.20	Institutional Eligibility
2720.30	Procedures for Obtaining a Guaranteed Loan
2720.40	Procedures for Disbursement and Repayment
2720.50	Consolidation Loan/unloan Program
2720.55	Preclaim Assistance
2720.60	Reimbursement Procedures
2720.70	Student Insurance Premium
2720.80	

SUBPART B: ILLINOIS DESIGNATED ACCOUNT PURCHASE PROGRAM (IDAPP)

2720.105	Summary and Purpose
2720.120	IDAPP Eligible Loans
2720.130	IDAPP Eligible Lenders

SUBPART C: ISAC ORIGINATED LOANS

2720.200	ISAC Originated Consolidation Loans
2720.210	Illinois Opportunity Loan Program

APPENDIX A Required Activities of Educational Lenders

AUTHORITY: Implementing Sections 30-15.10 et seq. of the Higher Education Student Assistance Law (Ill. Rev. Stat. 1989, ch. 122, pars. 30-15.10 et seq.); Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.); and authorized by Section 30-15.4(f) of the Higher Education Student Assistance law (Ill. Rev. Stat. 1989, ch. 122, par. 30-15.4(f)).

SOURCE: Adopted at 3 Ill. Reg. 4, p. 38, effective January 26, 1979; amended at 5 Ill. Reg. 8698, effective August 17, 1981; emergency rule and emergency repealer at 6 Ill. Reg. 7558, 7573, effective June 9, 1982, for a maximum of 150 days; new rules adopted at 6 Ill. Reg. 13799, effective October 25, 1982; old rules repealed at 6 Ill. Reg. 15254, effective December 3, 1982; emergency amendment at 7 Ill. Reg. 9942, effective August 8, 1983, for a maximum of 150 days; codified at 7 Ill. Reg. 13309; amended at 8 Ill. Reg. 876, effective January 9, 1984; amended at 8 Ill. Reg. 7286, effective May 18, 1984; amended at 8 Ill. Reg. 17006, effective September 5, 1984; amended at 9 Ill. Reg. 20796, effective January 1, 1986; amended at 11 Ill. Reg. 3181, effective January 29, 1987; emergency amendment at 11 Ill. Reg. 13669, effective August 5, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 14103, effective August 10, 1987; emergency amendment at 11 Ill. Reg. 18370, effective October 23, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 20989, effective January 1, 1988; amended at 12 Ill. Reg. 6971, effective April 1, 1988; amended at 12 Ill. Reg. 11520, effective July 1, 1988; emergency amendment at 12 Ill. Reg. 15221, effective September 15, 1988, for a maximum of 150 days; emergency expired February 12, 1989; amended at 13 Ill. Reg. 2872, effective February 16, 1989; amended at 13 Ill. Reg. 8630, effective July 1, 1989; transferred from Chapter IX, 23 Ill. Adm. Code 1720 (State Scholarship Commission) to Chapter XIX, 23 Ill. Adm. Code 2720 (Illinois Student Assistance Commission) pursuant to P.A. 86-168, effective July 1, 1989, at 13 Ill. Reg. 17855; emergency amendment at 14 Ill. Reg. 4266, effective March 1, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 10553, effective July 1, 1990; amended at 14 Ill. Reg. 10941, effective July 1, 1990; emergency amendment at 15 Ill. Reg. 18769, effective January 1, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 4060, effective February 28, 1992.

SUBPART A: Loan Guaratee Programs:
THE ROBERT T. STAFFORD LOAN PROGRAM, PLUS PROGRAM,
SUPPLEMENTAL LOANS FOR STUDENTS (SLS) PROGRAM,
AND CONSOLIDATION LOAN PROGRAM

Section 2720.10 Eligibility for ISAC Loan Guarantees

- Applicants may apply for a loan guarantee by submitting an ISAC approved application form.
- Eligibility requirements for Guaranteed Loans are established by Federal Regulations; however, the student and borrower must be Residents of the State of Illinois. For purposes of this Part, a student loan applicant is considered an Illinois resident if the Applicant:

- reports an Illinois address as his/her permanent home address and is enrolled on at least a half-time basis at an approved postsecondary institution; or

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- 2) is Enrolled on at least a half-time basis at an approved postsecondary institution located in Illinois; or
- 3) is a qualified Parent or legal guardian who reports an Illinois address as his/her permanent home address and is borrowing through the PLUS program on behalf of a dependent undergraduate or graduate student who is Enrolled at least half-time at an approved postsecondary Institution.

c) The student must be Enrolled, or accepted for enrollment, at an approved postsecondary Institution which has certified the Applicant as eligible for a Guaranteed Loan.

d) An Applicant shall not be disqualified for a loan guarantee by ISAC provided the Lender, the Institution, the student, and the borrower meet the eligibility requirements of Title IV, Part B, of the Higher Education Act of 1965, as amended (20 U.S.C.A. 1071 et seq.), Federal Regulations and of this Subpart.

e) No loan guarantee shall be issued if such loan would exceed the annual or aggregate amount permitted such borrower for the Academic Year, as specified by Section 428 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1078)

f) The Institution shall compute a recommended loan amount for each Applicant. No Guaranteed Loan may exceed the Institution's recommended amount.

- 1) When certifying loan eligibility for an Academic Year which will span Academic Levels, the Institution's recommended loan amount shall not exceed the maximum permitted for the Applicant's Academic Level at the time of certification.

Example: A student desires a Stafford Loan for a two semester period of enrollment beginning 8/20/87 and concluding 5/15/88. During the fall 1987 Term the student will be a sophomore and during the spring 1988 Term the student anticipates attaining the Academic Level of junior. Prior to the borrower's successful completion of the fall Term, the Institution's recommended loan amount shall not exceed the \$2,625 loan permitted sophomore borrowers.

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- 2) Should a student borrow in excess of the permitted loan maximums, the Institution shall terminate the student's eligibility for federal financial assistance for that Academic Year. See Section 484 of the Higher Education Act of 1965, as amended. (20 U.S.C.A. 1091)

(Source: Amended at 16 Ill. Reg. 4060, effective February 28 1992)

Section 2720.40 Procedures for Obtaining a Guaranteed Loan

a) Borrowers who are eligible for a loan guarantee in accordance with Section 2720.10 are issued a notice of guarantee and an application/promissory note form. All promissory notes must be in the form furnished by ISAC or an ISAC approved facsimile. No alteration or substitution may be used.

b) All loans are made at the Lender's discretion. When a Lender rejects a borrower's application/promissory note, the Lender shall issue a Notice of Non-acceptance form to the borrower.

- 1) Should an Applicant be unable to secure an ISAC Guaranteed Loan from an approved Lender, ISAC shall refer the Applicant to a Lender who has indicated a willingness to issue a Guaranteed Loan.

2) An Applicant must submit to ISAC a written request for a Lender referral. The request must include copies of three written notifications from approved Lenders that indicate a refusal to approve a loan application.

c) The availability of an ISAC Guaranteed Loan shall not be conditioned upon the purchase of credit life, life, accident, health, or other forms of insurance.

d) No Stafford Loan of less than \$150 shall be made by a Lender. A minimum loan amount of \$500 applies to PLUS and SLS. See Section 2720.10(f) for loan maximums.

e) The application/promissory note must be signed in ink. Signature stamps shall not be used.

f) Within any one of ISAC's Guaranteed Loan programs, all of a borrower's outstanding loans must be held by the same Lender or Holder.

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- 1) Notwithstanding the residency requirements of Section 2720.10(b), if a Lender receives an application/promissory note, and the borrower has outstanding ISAC Guaranteed Loans(s) with a prior Lender, the following provisions apply:
 - A) A subsidized Stafford Loan will be guaranteed if the Lender has purchased all outstanding subsidized Stafford Loans.
 - B) A non-subsidized Stafford Loan will be guaranteed if the Lender has purchased all outstanding non-subsidized Stafford Loans.
 - C) A PLUS loan will be guaranteed if the Lender has purchased all outstanding PLUS Loans made on behalf of the same student.
 - D) A SLS loan issued by a commercial Lender will be guaranteed if the Lender has purchased all outstanding SLS Loans made by another commercial Lender.
 - E) A SLS loan issued by an educational Lender will be guaranteed if the Lender is an educational Institution at which the borrower is Enrolled and the borrower has not previously obtained a SLS Loan through a commercial Lender.
- 2) If the Lender has sold the Applicant's previous ISAC Guaranteed Loan(s) to an approved Holder, a subsequent loan will be guaranteed provided:
 - (A) the renewal loan is issued by the same Lender that issued the previous loans; and
 - (B) the Lender sells the renewal loan to the Holder prior to the ending loan term date. Failure to sell the renewal loan by the deadline shall result in the loss of guarantee.
- 3) The requirements of subsection (f)(1) shall not apply if:
 - (A) the outstanding loans are held by a Lender which has been either declared insolvent by a regulatory agency or has terminated its Agreement.

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- (B) the borrower informs ISAC, in writing, that he/she is dissatisfied with the previous Lender's performance and requests that subsequent loans be issued by a different Lender.
- g) Co-maker and Co-signers
 - 1) Where two Parents or legal guardians reside in the same household, and the Parent or guardian applying for a PLUS loan guarantee is not the larger wage earner of the two, the Parent or legal guardian who is the larger wage earner must co-make the loan. This requirement shall not apply if, under current criteria employed by the Lender, the Applicant would be considered eligible for an unsecured loan of the same amount from such Institution. The Lender shall not require a co-maker on a SLS loan. At the Lender's option, a co-signer may be required on any PLUS or SLS loan.
 - 2) The Lender shall not require a co-maker or co-signer on a subsidized Stafford Loan nor accept security for payment thereof.
 - h) Lenders shall obtain the names and addresses of at least two references from each loan Applicant. Lenders shall submit the reference data to ISAC when requesting ISAC reimbursement pursuant to Section 2720.70.

(Source: Amended at 16 Ill. Reg. 4060, effective February 28 1992)

NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Community Care Program
- 2) Code Citation: 89 Ill. Adm. Code 240
- 3) Section Numbers: 240.655 Emergency Action: Amendment
- 4) Statutory Authority: Ill. Rev. Stat., 1989, ch. 23 Sections 6104.01(4), (9), (11) and (12); 6104.02, 6104.03 and 6105.02
- 5) Effective Date of Amendment(s): February 28, 1992
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: June 30, 1992.
- 7) Date Filed in Agency's Principal Office: February 27, 1992
- 8) Reason for Emergency:

Pursuant to the Emergency Budget Act of Fiscal Year 1992, the General Assembly has found that the State's "current financial situation constitutes an emergency" and thereby authorizes the Department "to limit services, to reduce or adjust payment rates, and to modify eligibility criteria as necessary to implement contingency reserves" (P.A. 87-838, 87th General Assembly, Special Session, January, 1992) in order to balance the State's FY92 budget.

As a result of the above and pursuant to current Department rules which require that continuous eligibility of Community Care Program (CCP) clients be validated through a redetermination process which is conducted at least once annually or whenever the client/authorized representative requests a redetermination and/or the client has experienced a change in service needs (Section 240.650 and Section 240.655), it is necessary for the Department to continue to direct its limited appropriated resources to those clients whose needs require additional services and to monitor selected client redeterminations as described in Section 240.655. Therefore, emergency amendments delineating the extension of time frames for such CCP client eligibility monitoring have been adopted by means of the Emergency Rulemaking process.

With these emergency changes, the Department on Aging will be able to continue reviewing changes in care plan services and

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will be able to ensure that the resources of the Community Care Program are targeted appropriately and that all elderly requiring service will receive care.

- 9) A Complete Description of the Subjects and Issues Involved:
Effective February 28, 1992, and ending July 1, 1992, the Department will continue to review client redeterminations of those agencies which provide in-home services (chore-housekeeper and homemaker) and adult day care services under the Community Care Program. All agencies under contract with the Department are affected by this emergency rulemaking.

This emergency rulemaking allows the Department to extend time frames as needed to complete reviews of care plans, thereby ensuring that the limited resources of the Program are distributed equitably and distributed most specifically to those elderly in the greatest economic and social need pursuant to Departmental rule requirements and statutory mandates.

- 10) Are there any proposed amendments pending on this Part? Yes.

Section Numbers Proposed Action Illinois Register Citation
240.655 Amendment 10/11/91:15 Ill.Reg. 14335

- 11) Statement of Statewide Policy Objectives: Not applicable.

- 12) Information and questions regarding this amendment shall be directed to:

Name: Mary J. Mayes
Policy and Rules Analyst
Illinois Department on Aging
421 East Capitol Avenue
Springfield, IL 62701
Telephone: (217) 785-3357

The full text of the Emergency Amendment(s) begins on the next page:

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TITLE 89: SOCIAL SERVICES
CHAPTER II: DEPARTMENT ON AGINGPART 240
COMMUNITY CARE PROGRAM

SUBPART A: GENERAL PROGRAM PROVISIONS

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240.100
240.110
240.120
240.130
240.140
240.150
240.160

Community Care Program
Department Prerogative
Services Provided
Maintenance of Effort
Program Limitations
Completed Applications Prior to August 1, 1982 (Repealed)
Definitions

SUBPART B: SERVICE DEFINITIONS

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240.270
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Homemaker Service
Chore-Housekeeping Service
Adult Day Care Service
Information and Referral
Demonstration/Research Projects
Case Management Service
Alternative Provider
Individual Chore-Housekeeping Provider

SUBPART C: RIGHTS AND RESPONSIBILITIES

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Applicant/Client Rights and Responsibilities
Right to Apply
Nondiscrimination
Freedom of Choice
Confidentiality/Safeguarding of Case Information
Applicant/Client/Authorized Representative Cooperation
Reporting Changes
Voluntary Repayment

SUBPART D: APPEALS

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Appeals and Fair Hearings
Representation

240.410 When the Appeal May Be Filed
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240.420 Group Appeals
240.425 Informal Review
240.430 Informal Review Findings
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240.435 Withdrawing an Appeal
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240.440 Examining Department Records
240.445 Hearing Officer
240.450 The Hearing
240.455 Continuance of the Hearing
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240.465 Dismissal Due to Non-Appealance
240.470 Rescheduling the Appeal Hearing
240.475 Recommendations of Hearing Officer
240.480 The Appeal Decision
240.485 Reviewing the Official Report of the Hearing

SUBPART E: APPLICATION

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Application for Community Care Program
Who May Make Application
Date of Application
Statement to be Included on Application

SUBPART F: ELIGIBILITY

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240.610
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240.630
240.640
240.650
240.655
EMERGENCY
240.660

Eligibility Requirements
Establishing Eligibility
Home Visit
Determination of Eligibility
Eligibility Decision
Continuous Eligibility
Frequency of Redeterminations
Extension of Time Limit

SUBPART G: NON-FINANCIAL REQUIREMENTS

Section
240.710
240.715
240.720

Age
Determination of Need
Clients Prior July 1, 1990

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EMERGENCY
240.725 Maximum Payment Levels for Service
EMERGENCY
240.726 Emergency Budget Act Reduction
EMERGENCY
240.730 Plan of Care
240.735 Supplemental Information
240.740 Assessment of Need
240.750 Citizenship
240.755 Residence
240.760 Furnishing of Social Security Number

SUBPART H: FINANCIAL REQUIREMENTS

Section
240.800 Financial Factors
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240.810 Assets
EMERGENCY
240.815 Exempt Assets
240.820 Asset Transfers
240.825 Income
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240.830 Unearned Income Exemptions
240.835 Earned Income
240.840 Potential Retirement, Disability and Other Benefits
240.845 Family
240.850 Monthly Average Income
240.855 Applicant/Client Expense for Care
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240.865 Application For Medical Assistance (Medicaid)
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SUBPART I: DISPOSITION OF DETERMINATION

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240.905 Prohibition of Institutionalized Individuals From
Receiving Community Care Program Services
240.910 Written Notification
240.915 Service Provision
240.920 Reasons for Denial
240.925 Frequency of Redeterminations (Renumbered)
240.930 Suspension of Services
240.935 Discontinuance of Services to Clients

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240.940 Penalty Payments
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SUBPART J: SPECIAL SERVICES

Section
240.1010 Nursing Home Prescreening
240.1020 Interim Services
240.1040 Intense Service Provision
240.1050 Temporary Service Increase

SUBPART K: TRANSFERS

Section
240.1110 Individual Transfer Request - Vendor to Vendor - No Change in Service
240.1120 Individual Transfer Request - Vendor to Vendor - With Change in Service
240.1130 Individual Transfers - Case Coordination Unit to Case Coordination Unit
240.1140 Transfer of Pending Applications
240.1150 Interagency Transfers
240.1160 Temporary Transfers - Case Coordination Unit to Case Coordination Unit
240.1170 Caseload Transfer - Vendor to Vendor
240.1180 Caseload Transfer - Case Coordination Unit to Case Coordination Unit

SUBPART L: ADMINISTRATIVE SERVICE CONTRACT

Section
240.1210 Administrative Service Contract

SUBPART M: CASE COORDINATION UNITS AND VENDORS

Section
240.1310 Standard Contractual Requirements for Case Coordination Units and Vendors
240.1320 Vendor or Case Coordination Unit Fraud/Illegal or Criminal Acts
240.1330 General Vendor and CCU Responsibilities (Repealed)
240.1396 Payment for Services (Repealed)
240.1397 Purchases and Contracts (Repealed)
240.1398 Safeguarding Case Information (Repealed)
240.1399 Suspension/Termination of a Vendor or Case Coordination

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Unit (CCU)

SUBPART N: CASE COORDINATION UNITS

Section
240.1410 Case Coordination Units
240.1420 Case Coordination Unit Responsibilities

SUBPART O: VENDORS

Section
240.1510 Vendor Administrative Minimum Standards
240.1520 Vendor Responsibilities
240.1530 General Homemaker Staffing Requirements
240.1535 Homemaker Staff Positions, Qualifications and Responsibilities
240.1540 General Chore-Housekeeping Staffing Requirements
240.1545 Chore-Housekeeping Staff Positions, Qualifications and Responsibilities
240.1550 Standard Requirements for Adult Day Care Vendors
240.1555 General Adult Day Care Staffing Requirements
240.1560 Adult Day Care Staff Positions, Qualifications and Responsibilities
240.1565 Adult Day Care Satellite Sites
240.1570 Adult Day Care Service Availability Expansion
240.1575 Adult Day Care Site Relocation
240.1580 Standards for Alternative Providers
240.1590 Standard Requirements for Individual Chore-Housekeeping Provider Services

SUBPART P: VENDOR PROCUREMENT

Section
240.1600 Vendor Procurement
240.1605 Procuring Vendor Services
240.1610 Procurement Cycle
240.1620 Issuance of Vendor Request for Proposal
240.1625 Content of Vendor Request for Proposal
240.1630 Criteria for Number of Chore-Housekeeping and Homemaker Vendor Contracts Awarded
240.1635 Evaluation of Vendor Proposals
240.1640 Notification of Vendor Awards
240.1645 Protest or Objection to Vendor Request for Proposal Award Determination
240.1650 Failure to Maintain Vendor Compliance to Contract
240.1655 Method of Identification of Type I, II and III Vendor Violations

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240.1660 Vendor Compliance During Contract Period
240.1665 Contract Actions for Failure to Comply with Community Care Program Requirements

SUBPART R: ADVISORY COMMITTEES

Section
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240.1850 Technical Rate Review Advisory Committee

SUBPART S: VENDOR RATES

Section
240.1910 Establishment of Fixed Unit Rates
240.1920 Contract Specific Variations
240.1930 Fixed Unit Rates of Reimbursement for Chore-Housekeeping and Homemaker Services
240.1940 Fixed Unit Rates of Reimbursement for Adult Day Care Service and Transportation
240.1950 Adult Day Care Fixed Unit Reimbursement Rates

SUBPART T: FINANCIAL REPORTING

Section
240.2020 Financial Reporting of Chore-Housekeeping and Homemaker Services
240.2030 Unallowable Costs for Chore-Housekeeping and Homemaker Services
240.2040 Minimum Direct Service Worker Costs for Chore-Housekeeping and Homemaker Services
240.2050 Cost Categories for Chore-Housekeeping and Homemaker Services

AUTHORITY: Implementing Section 4.02 and authorized by Section 4.01(1) of the Illinois Act on the Aging (Ill. Rev. Stat. 1989, ch. 23, pars. 6104.02 and 6104.01(1)).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 1, p. 67, effective December 20, 1979, for a maximum of 150 days; adopted at 4 Ill. Reg. 17, p. 151, effective April 25, 1980; amended at 4 Ill. Reg. 43, p. 86, effective October 15, 1980; emergency amendments at 5 Ill. Reg. 1900, effective February 18, 1981, for a maximum of 150 days; amended at 5 Ill. Reg. 12090, effective October 26, 1981; emergency amendments at 6 Ill. Reg. 8455, effective July 6, 1982, for a maximum of 150 days; amended at 6 Ill. Reg. 14953, effective December 1, 1982; amended at 7 Ill. Reg. 8697, effective July 20, 1983; codified at 8 Ill. Reg. 2633; amended at 9 Ill. Reg. 1739,

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effective January 29, 1985; amended at 9 Ill. Reg. 10208, effective July 1, 1985; emergency amendments at 9 Ill. Reg. 14011, effective August 29, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 5076, effective March 15, 1986; recodified at 12 Ill. Reg. 7980; amended at 13 Ill. Reg. 11193, effective July 1, 1989; emergency amendments at 13 Ill. Reg. 13638, effective August 18, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17327, effective November 1, 1989; amended at 14 Ill. Reg. 1233, effective January 12, 1990; amended at 14 Ill. Reg. 10732, effective July 1, 1990; emergency amendments at 15 Ill. Reg. 2838 effective, February 1, 1991 for a maximum of 150 days; amended at 15 Ill. Reg. 10351, effective July 1, 1991; emergency amendments at 15 Ill. Reg. 14593, effective October 1, 1991, for a maximum of 150 days; emergency amendments at 15 Ill. Reg. 17398, effective November 15, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 18568, effective December 13, 1991; emergency amendments suspended at 16 Ill. Reg. 1744; emergency amendments at 16 Ill. Reg. 2630 effective February 1, 1992, for a maximum of 150 days; emergency amendments modified and reinstated at 16 Ill. Reg. 2943; emergency amendments at 16 Ill. Reg. 2901, effective February 6, 1992, to expire June 30, 1992; emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992.

NOTE: Bold faced type denotes statutory language.

SUBPART F: ELIGIBILITY

Section 240.655 Frequency of Redeterminations
EMERGENCY

Redetermination of eligibility for the Community Care Program shall be conducted by the Case Coordination Unit (CCU) at least annually; or whenever requested by the client/authorized representative; or whenever the client may have experienced a change in his/her needs that indicates the need for a redetermination to assure continued eligibility (refer to Section 240.630).

- a) Annual redeterminations shall be accomplished within thirty (30) calendar days prior to, but not later than, the annual due date. A decision on the redetermination shall be made within thirty (30) calendar days from the date the redetermination process is begun, except as extended by the Department.
- b) Redeterminations conducted at the request of the client/authorized representative or whenever the client

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may have experienced a change in needs shall be accomplished and a decision rendered within thirty (30) calendar days from the date of the request for redetermination, except as extended by the Department.

- c) The thirty (30) calendar day time limit for completion of a redetermination of a client's eligibility shall be extended by any delay caused by the client/authorized representative.

- 1) Client delay is defined as the number of calendar days a redetermination of eligibility is delayed because of the client's/authorized representative's failure to provide documentation supporting his/her eligibility within seven (7) calendar days from the date it is verbally requested by the CCU.

- 2) In the event that a client's eligibility cannot be determined due to the client's/authorized representative's failure to provide documentation, as specified above, within thirty (30) calendar days from the date it is verbally requested by the CCU, the CCU shall extend the time limit for an additional thirty (30) calendar days, after which services shall be terminated if documentation is not provided.

- d) The client shall maintain eligibility and services shall continue to be provided throughout the redetermination process unless the client/authorized representative delays the process beyond the additional thirty (30) calendar days specified in subsection (c) (2) above.

- e) Written notification to the client/authorized representative shall be made as required by Section 240.945.

- f) Any change in services shall be initiated within fifteen (15) calendar days from the date the written notice is mailed to the client/authorized representative, as required by Section 240.945.

(Source: Emergency amendments at 16 Ill. Reg. 4069, effective February 28, 1992, to expire June 30, 1992)

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 26, 1992 through March 3, 1992, and have been scheduled for review by the Committee at its April 7, 1992 meeting. Other items not contained in this published list may also be considered by the Committee at its April meeting. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 509 South Sixth Street, Suite 500, Springfield, IL 62701.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
4/8/92	Department of Children and Family Services, Licensing Standards for Day Care Homes (89 Ill. Adm. Code 406)	10/18/91 15 Ill. Reg. 14734	4/7/92
4/8/92	Department of Children and Family Services, Licensing Standards for Group Day Care Homes (89 Ill. Adm. Code 408)	10/18/91 15 Ill. Reg. 14764	4/7/92
4/8/92	Department of Children and Family Services, Licensing Standards for Day Care Centers (89 Ill. Adm. Code 407)	10/18/91 15 Ill. Reg. 14729	4/7/92
4/10/92	Department of State Police, Firearm Transfer Inquiry Program (20 Ill. Adm. Code 1235)	12/6/91 15 Ill. Reg. 17566	4/7/92
4/14/92	Illinois Student Assistance Commission, Minority Teachers of Illinois Scholarship Aid Program (23 Ill. Adm. Code 2763)	12/20/91 15 Ill. Reg. 18129	4/7/92
4/14/92	Illinois Student Assistance Commission, College Savings Bond Bonus Incentive Grant Program (BIG) (23 Ill. Adm. Code 2771)	12/20/91 15 Ill. Reg. 18114	4/7/92
4/14/92	Illinois Student Assistance Commission, Illinois Veteran Grant (IVG) Program (23 Ill. Adm. Code 2733)	12/20/91 15 Ill. Reg. 18121	4/7/92

PROCLAMATION

92-072
CHRONIC FATIGUE SYNDROME AWARENESS MONTH/
CHRONIC FATIGUE SYNDROME AWARENESS WEEK

Whereas, Chronic Fatigue Syndrome (CFS) is a disease that devastates its victims, often leaving them in a condition of continuous, disabling fatigue; and
Whereas, the burdens are even greater for CFS sufferers because physicians often are unfamiliar with the illness, insurance companies refuse to honor CFS-related health claims, and many compensation distributors do not honor CFS as a compensable disease; and
Whereas, the Chronic Fatigue Syndrome Society of Illinois strives to circulate information to the afflicted, the health care providers, and the public and to stimulate interest in finding a cure for CFS;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1992 as CHRONIC FATIGUE SYNDROME AWARENESS MONTH and March 1-7, 1992, as CHRONIC FATIGUE SYNDROME AWARENESS WEEK in Illinois and encourage citizens to join in the fight to relieve the pain and frustration of CFS victims.
Issued by the Governor February 20, 1992.
Filed with the Secretary of State February 28, 1992.

92-073
LOUIS SUDLER DAY

Whereas, Louis Sudler's efforts to bring great music to Chicago played an important role in the city's development and brought recognition to our state; and
Whereas, his kindness, generosity, compassion, and knowledge have earned him the respect of those who know him. He has shown dedication to cultural service and made enormous contributions to the business community; and
Whereas, although the cultural and business communities normally speak different languages, Mr. Sudler's efforts have helped bring them closer together;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 25, 1992, as LOUIS SUDLER DAY in Illinois and extend best wishes to him on his birthday. I commend him for the commitment he has shown to our business and cultural communities.
Issued by the Governor February 20, 1992.
Filed with the Secretary of State February 28, 1992.

92-074
LUTHERAN SCHOOLS WEEK

Whereas, the glory and the promise of our state and nation

92

rests in the minds and the visions of our youth, who truly have so much to offer. A sound education allows our children to pursue their dreams so they may become all they want to be; and

Whereas, since its organization in 1847, The Lutheran Church--Missouri Synod has stressed excellence in education and today serves a church body of more than 6,000 congregations across the country, including 521 congregations in Illinois; and

Whereas, The Lutheran Church--Missouri Synod has historically supported quality public and parochial schools and has sought to foster and nurture creative cooperation and understanding for the good of all students and citizens; and

Whereas, recognition should be given to the many dedicated teachers and administrators of these schools, who help enhance students' learning experiences and growth into adulthood while fostering a tradition of commitment and caring;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1-7, 1992, as LUTHERAN SCHOOLS WEEK in Illinois.

Issued by the Governor February 20, 1992.

Filed with the Secretary of State February 28, 1992.

92-075

METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY

Whereas, the Metropolitan Pier and Exposition Authority (MPEA) is a political subdivision--a unit of local government charged with the duty to promote, operate, and maintain fairs, expositions, and conventions in the Chicago metropolitan area; and

Whereas, in addition, the Metropolitan Pier and Exposition Authority is charged with the responsibility to provide for the recreational, cultural, commercial, or residential development of Navy Pier; and

Whereas, on April 11, 1992, the Metropolitan Pier and Exposition Authority will pay tribute to those employees who have served the authority for five years or more; and

Whereas, annual conventions, trade shows, and corporate meetings draw more than four million travelers to the McCormick Place Complex and Navy Pier, making it the veritable meeting marketing place of the world; and

Whereas, MPEA employees who perform the myriad of tasks needed to make meetings and shows run smoothly have consistently contributed to enhancing the image of the State of Illinois, City of Chicago, McCormick Place Complex, and Navy Pier;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 11, 1992, as METROPOLITAN PIER AND EXPOSITION AUTHORITY EMPLOYEE LONGEVITY DAY in Illinois in recognition of the many years of commitment to public service these employees have demonstrated.

Issued by the Governor February 20, 1992.

Filed with the Secretary of State February 28, 1992.

92-076

MOTORCYCLE AWARENESS MONTH

Whereas, Illinois is a national leader in motorcycle education; and

Whereas, the Illinois Department of Transportation has been conducting the Illinois Cycle Rider Safety Training Program since 1976; and

Whereas, the program is supported by state motorcycle registration fees and has been responsible for training more than 95,000 Illinois cyclists; and

Whereas, there is a need to increase public awareness of the presence of motorcyclists on our roadways;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 1992 as MOTORCYCLE AWARENESS MONTH in Illinois in recognition of efforts to improve motorcycle safety and the continuing leadership role our state has taken in promoting motorcycle safety training.

Issued by the Governor February 20, 1992.

Filed with the Secretary of State February 28, 1992.

92-077

TOP LADIES OF DISTINCTION DAY

Whereas, Top Ladies of Distinction (TLOD) was founded in 1964 and has grown to include more than 6,000 members and 120 chapters; and

Whereas, with the motto "Serving Youth and Adults," TLOD strives to coordinate professional women to help young people, enhance the status of women, support senior citizens, and beautify communities; and

Whereas, the Chicago Chapter of Top Ladies of Distinction, Incorporated is presenting its 5th annual Orchid Award Program February 22 at the DuSable Museum of African American History. The program, called "Black Women with a Vision," will recognize Ms. Margaret Burroughs, Ms. Edith R. Sims, Ms. Marlene Owens Rankin, Ms. Betty Roebuck, and Ms. Linnie V. Price for the dedication they have shown in serving mankind;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 22, 1992, as TOP LADIES OF DISTINCTION DAY in Illinois, in recognition of the organization's devoted efforts to improve the quality of life for our citizens.

Issued by the Governor February 20, 1992.

Filed with the Secretary of State February 28, 1992.

92-078

EMPLOY THE OLDER WORKER WEEK

Whereas, the United States of America has traditionally honored older workers by observing National Employ the Older Worker Week for more than 30 years; and

Whereas, the State of Illinois has participated in this tradition by honoring Illinois' older working population in statewide celebrations; and

Whereas, workers age 55 and older in business, industry, and government have earned special recognition for their many contributions to their employers, our state, and our nation; and

Whereas, the Illinois theme for the 1992 observance is "Lifetime Experience Works" and highlights the experience, maturity, and stability older workers bring to the job; and

Whereas, the older worker is key to America's future productivity and competitiveness because the "baby boom" population is aging and will soon dramatically impact the nation's labor force; and

Whereas, mature workers are contributing, respectful, and financially independent members of society who continually promote positive community relations and good labor practices and benefit employee morale;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 8-14, 1992, as EMPLOY THE OLDER WORKER WEEK in Illinois, and I salute our older workers who inherently confirm, "LIFETIME EXPERIENCE WORKS."

Issued by the Governor February 21, 1992.

Filed with the Secretary of State February 28, 1992.

92-079

WOMEN'S HISTORY MONTH

Whereas, American women of every race, creed, and ethnic background have participated in building our nation in countless recorded and unrecorded ways; and

Whereas, American women continue to contribute to the economic growth of the nation through their increasing business ownership and participation in the labor force; and

Whereas, throughout history American women have lent their talents and skills to enrich community and family life and to establish charitable, philanthropic, and cultural institutions; and

Whereas, American women from all backgrounds have been leaders of major progressive economic and social change movements to secure their own rights of suffrage and equal opportunity, as well as the rights of others; and

Whereas, it is important to remember the contributions women have made in literature, the arts, and the nation's history;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1992 as WOMEN'S HISTORY MONTH in Illinois and urge

all citizens to honor the observance by participating in appropriate ceremonies and activities.

Issued by the Governor February 21, 1992.

Filed with the Secretary of State February 28, 1992.

92-080

YOUTH ART MONTH

"To have an appreciation of art is to have immeasurable wealth." --Otto H. Kahn

Whereas, the arts serve an important role in the educational development of our youth; and

Whereas, during the month of March, the Illinois Art Education Association will be sponsoring special events and exhibits in conjunction with a nationwide effort to highlight the accomplishments of art teachers and their students; and

Whereas, community organizations are encouraged to take advantage of this opportunity to emphasize the enjoyment that can be derived through the creation and appreciation of art;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1992 as YOUTH ART MONTH in Illinois.

Issued by the Governor February 21, 1992.

Filed with the Secretary of State February 28, 1992.

92-081

REVEREND DOCTOR PETER HESS BECKWITH RECOGNIZED

Whereas, the Episcopal church has been a force for good in Illinois since the first priest, Rev. John Batchelder, arrived in Albion in 1821, three years after statehood; and

Whereas, the church has grown from one diocese encompassing the entire state to three dioceses, including the Diocese of Springfield; and

Whereas, the Diocese of Springfield is comprised of 60 of our state's 102 counties, has 38 churches, and more than 7,000 members; and

Whereas, the Bishops of the Diocese of Springfield have offered moral and spiritual leadership to the Episcopalians and others; and

Whereas, Reverend Doctor Peter Hess Beckwith, a Michigan native, has served the Episcopal church in Michigan and Ohio; and

Whereas, on February 29, Episcopalians from throughout our nation will gather in Springfield for the Ordination and Consecration of the Tenth Bishop of Springfield, the Reverend Doctor Peter Hess Beckwith;

Therefore, I, Jim Edgar, Governor of the State of Illinois, recognize REVEREND DOCTOR PETER HESS BECKWITH and extend best wishes to him on his new endeavor.

Issued by the Governor February 25, 1992.

Filed with the Secretary of State February 28, 1992.

92-082

ST. DAVID'S DAY

Whereas, 1992 marks the 1,403rd anniversary of the celebration of St. David's Day. March 1 has traditionally been observed as St. David's Day in Wales and throughout the world where Welsh men and women gather; and

Whereas, the traditions and heritage of the Welsh have enriched the culture and fabric of our society, and many Welsh citizens have become leaders in government, education, business, and science; and

Whereas, at least 16 signers of the Declaration of Independence and five United States presidents were of Welsh lineage; and

Whereas, we should join the Welsh in celebrating St. David's Day to pay tribute to the patron saint of Wales and recognize the important cultural heritage of these proud Celts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1, 1992, as ST. DAVID'S DAY in Illinois, in recognition of the numerous accomplishments of Welsh Americans. Issued by the Governor February 25, 1992.

Filed with the Secretary of State February 28, 1992.

92-083

TORNADO PREPAREDNESS WEEK

Whereas, the tornado season, during which human lives and private property are destroyed each year, is imminent; and

Whereas, Illinois is especially vulnerable because of its location at the northeast edge of the most tornado-prone region of the world; and

Whereas, an average of 27 tornadoes have swept through Illinois each year since 1960; and

Whereas, Illinois ranks ninth in the nation in tornado frequency and seventh in tornado fatalities; and

Whereas, the Illinois Emergency Management Agency and the National Weather Service have worked together in implementing emergency planning to combat the deadly effects of tornadoes;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 1-7, 1992, as TORNADO PREPAREDNESS WEEK in Illinois. I strongly urge all Illinois residents to become familiar with the hazards of tornadoes and to formulate or refine tornado preparedness plans so that deaths and injuries from the devastating effects of tornadoes can be minimized.

Issued by the Governor February 25, 1992.

Filed with the Secretary of State February 28, 1992.

92-084

BOB COLLINS DAY

Whereas, during his extremely long and distinguished career in radio and as the morning personality of WGN radio, Bob Collins has literally grown into his affectionate nickname "Uncle Bobby" through his greatly advanced age; and

Whereas, through those many, many years in the radio business and through his love of every conceivable electronic gadget and toy ever marketed, he came to mimic, but never rival, early radio pioneers such as Marconi; and

Whereas, he now serves as a shining example to all the senior citizens of Illinois by maintaining a youthful outlook on life despite his many years; and

Whereas, he has further demonstrated a quest for the fountain of youth through wild and reckless abandon of his own personal safety by flying airplanes and driving Harley Davidson motorcycles; and

Whereas, he has come to be an expert in the field of Rock and Roll trivia through such memorable classics as "Dead Skunk in the Middle of the Road" and the Disney favorite, "It's a Small World"; and

Whereas, he has slung countless verbal arrows at his WGN morning "support staff" only to be constantly sweet talked and cajoled by them because of the fear he has instilled through his "wash my car and polish this apple" attitude; and

Whereas, he is known as an impeccable dresser, only to himself, thereby saving his millions of loyal listeners from having to see him in his usual motley attire; and

Whereas, he has always worked to advance the human condition through his unwavering desire to listen to all sides of every controversial issue; and

Whereas, he has always demonstrated he is a good sport, great entertainer, knowledgeable announcer, and caring individual through 50 long years of life;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim today, February 28, 1992, as BOB COLLINS DAY in Illinois and convey my best wishes to Bob for a Happy 50th Birthday.

Issued by the Governor February 28, 1992.

Filed with the Secretary of State February 28, 1992.

ICAR - Joint Committee on Administrative Rules

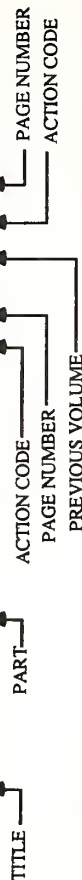
ACTION CODES

A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Ordered by ICAR
C - Notice of Corrections	PP - Peremptory or Court ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet ICAR objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet ICAR objections	S - Suspension ordered by ICAR
O - ICAR Statement of Objections	W - Withdrawal to meet ICAR objections

EXAMPLE:

AGRICULTURE, DEPARTMENT OF

8 Ill. Adm. Code 285 Ill. Grain Insurance Act (P-18048/85; A-6818)



ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 232-9786.

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89 Ill. Adm. Code 230 Older Americans Act Programs (P-3605)

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8 Ill. Adm. Code 30 Animal Control Act (P-3618)
8 Ill. Adm. Code 110 Animal Diagnostic Laboratory Act (P-3624)
8 Ill. Adm. Code 85 Diseased Animals (P-3635)
8 Ill. Adm. Code 55 Hatcheries, Poultry Flocks, & Produce Thereof (P-3646)
8 Ill. Adm. Code 90 Ill. Dead Animal Disposal Act (P-3653)
8 Ill. Adm. Code 115 Ill. Pseudorabies Control Act (P-3661)
8 Ill. Adm. Code 40 Livestock Auction Markets (P-3673)
8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-1899) (P-1921)
8 Ill. Adm. Code 700 Organizational Chart, Description, Rulemaking Procedure, & Programs (A-3893)
8 Ill. Adm. Code 235 Seed Arbitration (P-2969)
8 Ill. Adm. Code 5 Standardization of Agriculture Products (P-3231)
8 Ill. Adm. Code 105 Swine Disease Control & Eradication Act (P-3680)

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77 Ill. Adm. Code 2030 Award & Monitoring of Funds (P-9083/91; A-2457)
77 Ill. Adm. Code 2030 Fiscal & Programmatic Requirements (P-9153/91; AR-2530)
77 Ill. Adm. Code 2032 Suspension & Termination of Financial Assistance (P-9218; AR-2533)

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80 Ill. Adm. Code 303 Conditions of Employment (P-327)
80 Ill. Adm. Code 304 General Provisions (P-334)
80 Ill. Adm. Code 302 Merit & Fitness (P-336)
80 Ill. Adm. Code 310 Pay Plan (P-342) (E-711) (P-12051/91; A-3450)
80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-3235)

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89 Ill. Adm. Code 352 Financial Responsibility of Parents or Guardians of the Estates of Children (P-1329/91; A-3924)
89 Ill. Adm. Code 406 Licensing Standards for Day Care Homes (E-14734/91; M-2269)

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47 Ill. Adm. Code 120 State Administration of the Federal Community Services Block Grant Program (P-13993/91; A-3078)
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17 Ill. Adm. Code 590 Duck, Goose & Coot Hunting (P-14157/91; A-570)
17 Ill. Adm. Code 1530 Forest Products Transportation Act, The (P-2972)
17 Ill. Adm. Code 1010 Ill. List of Endangered & Threatened Fauna (P-13594/91; A-103)
17 Ill. Adm. Code 3010 Ill. Snowmobile Grant Program (P-14794/91; A-1806)
17 Ill. Adm. Code 3030 Land & Water Conservation Fund Grant Program (P-14807/91; A-1816)
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- 17 Ill. Adm. Code 3020 Snowmobile Trail Establishment Fund Grant Program (P-14820/91; A-1833)
- 17 Ill. Adm. Code 880 Taking of Reptiles & Amphibians, The (P-13603/91; A-109)
- 17 Ill. Adm. Code 710 Taking of Wild Turkeys-Spring Season, The (P-14833/91; A-1843)
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- 20 Ill. Adm. Code 525 Rights & Privileges (E-3583)
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- 59 Ill. Adm. Code 119 Minimum Standards for Certification of Developmental Training Programs (E-2662)
- 59 Ill. Adm. Code 125 Recipient Discharge/Linkage/Aftercare (E-2672)
- 59 Ill. Adm. Code 115 Standards & Licensure Requirements for Community-Integrated Living Arrangements (E-2676)

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- 62 Ill. Adm. Code 240 Ill. Oil & Gas Act, The (P-14365/91; A-2576) (P-14679/91; A-2576) (P-3282)
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ILLINOIS REGISTER

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TYPE OF RULEMAKING		ACTION CODES	
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cc	= codification changes	C	= Correction
n	= new Section	CC	= Codification Changes
r	= repeal of existing Section	E	= Emergency rule
rc	= reclassified	F	= Failure to Remedy
#	= renumbered	M	= Modification
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		PF	= Prohibited Filing
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246.330	(P-2314)	n	462.40	(P-2292)
246.340	(P-2314)	n	462.50	(P-2292)
246.350	(P-2314)	n	462.60	(P-2292)
246.360	(P-2314)	n	462.70	(P-2292)
246.370	(P-2314)	n	462.80	(P-2292)
246.380	(P-2314)	n	462.90	(P-2292)
246.390	(P-2314)	n	463.00	(P-2292)
246.400	(P-2314)	n	463.10	(P-2292)
246.410	(P-2314)	n	463.20	(P-2292)
246.420	(P-2314)	n	463.30	(P-2292)
246.430	(P-2314)	n	463.40	(P-2292)
246.440	(P-2314)	n	463.50	(P-2292)
246.450	(P-2314)	n	463.60	(P-2292)
246.460	(P-2314)	n	463.70	(P-2292)
246.470	(P-2314)	n	463.80	(P-2292)
246.480	(P-2314)	n	463.90	(P-2292)
246.490	(P-2314)	n	464.00	(P-2292)
246.500	(P-2314)	n	464.10	(P-2292)
246.510	(P-2314)	n	464.20	(P-2292)
246.520	(P-2314)	n	464.30	(P-2292)
246.530	(P-2314)	n	464.40	(P-2292)
246.540	(P-2314)	n	464.50	(P-2292)
246.550	(P-2314)	n	464.60	(P-2292)
246.560	(P-2314)	n	464.70	(P-2292)
246.570	(P-2314)	n	464.80	(P-2292)
246.580	(P-2314)	n	464.90	(P-2292)
246.590	(P-2314)	n	465.00	(P-2292)
246.600	(P-2314)	n	465.10	(P-2292)
246.610	(P-2314)	n	465.20	(P-2292)
246.620	(P-2314)	n	465.30	(P-2292)
246.630	(P-2314)	n	465.40	(P-2292)
246.640	(P-2314)	n	465.50	(P-2292)
246.650	(P-2314)	n	465.60	(P-2292)
246.660	(P-2314)	n	465.70	(P-2292)
246.670	(P-2314)	n	465.80	(P-2292)
246.680	(P-2314)	n	465.90	(P-2292)
246.690	(P-2314)	n	466.00	(P-2292)
246.700	(P-2314)	n	466.10	(P-2292)
246.710	(P-2314)	n	466.20	(P-2292)
246.720	(P-2314)	n	466.30	(P-2292)
246.730	(P-2314)	n	466.40	(P-2292)
246.740	(P-2314)	n	466.50	(P-2292)
246.750	(P-2314)	n	466.60	(P-2292)
246.760	(P-2314)	n	466.70	(P-2292)
246.770	(P-2314)	n	466.80	(P-2292)
246.780	(P-2314)	n	466.90	(P-2292)
246.790	(P-2314)	n	467.00	(P-2292)
246.800	(P-2314)	n	467.10	(P-2292)
246.810	(P-2314)	n	467.20	(P-2292)
246.820	(P-2314)	n	467.30	(P-2292)
246.830	(P-2314)	n	467.40	(P-2292)
246.840	(P-2314)	n	467.50	(P-2292)
246.850	(P-2314)	n	467.60	(P-2292)
246.860	(P-2314)	n	467.70	(P-2292)
246.870	(P-2314)	n	467.80	(P-2292)
246.880	(P-2314)	n	467.90	(P-2292)
246.890	(P-2314)	n	468.00	(P-2292)
246.900	(P-2314)	n	468.10	(P-2292)
246.910	(P-2314)	n	468.20	(P-2292)
246.920	(P-2314)	n	468.30	(P-2292)
246.930	(P-2314)	n	468.40	(P-2292)
246.940	(P-2314)	n	468.50	(P-2292)
246.950	(P-2314)	n	468.60	(P-2292)
246.960	(P-2314)	n	468.70	(P-2292)
246.970	(P-2314)	n	468.80	(P-2292)
246.980	(P-2314)	n	468.90	(P-2292)
246.990	(P-2314)	n	469.00	(P-2292)
247.000	(P-2314)	n	469.10	(P-2292)
247.010	(P-2314)	n	469.20	(P-2292)
247.020	(P-2314)	n	469.30	(P-2292)
247.030	(P-2314)	n	469.40	(P-2292)
247.040	(P-2314)	n	469.50	(P-2292)
247.050	(P-2314)	n	469.60	(P-2292)
247.060	(P-2314)	n	469.70	(P-2292)
247.070	(P-2314)	n	469.80	(P-2292)
247.080	(P-2314)	n	469.90	(P-2292)
247.090	(P-2314)	n	470.00	(P-2292)
247.100	(P-2314)	n	470.10	(P-2292)
247.110	(P-2314)	n	470.20	(P-2292)
247.120	(P-2314)	n	470.30	(P-2292)
247.130	(P-2314)	n	470.40	(P-2292)
247.140	(P-2314)	n	470.50	(P-2292)
247.150	(P-2314)	n	470.60	(P-2292)
247.160	(P-2314)	n	470.70	(P-2292)
247.170	(P-2314)	n	470.80	(P-2292)
247.180	(P-2314)	n	470.90	(P-2292)
247.190	(P-2314)	n	471.00	(P-2292)
247.200	(P-2314)	n	471.10	(P-2292)
247.210	(P-2314)	n	471.20	(P-2292)
247.220	(P-2314)	n	471.30	(P-2292)
247.230	(P-2314)	n	471.40	(P-2292)
247.240	(P-2314)	n	471.50	(P-2292)
247.250	(P-2314)	n	471.60	(P-2292)
247.260	(P-2314)	n	471.70	(P-2292)
247.270	(P-2314)	n	471.80	(P-2292)
247.280	(P-2314)	n	471.90	(P-2292)
247.290	(P-2314)	n	472.00	(P-2292)
247.300	(P-2314)	n	472.10	(P-2292)
247.310	(P-2314)	n	472.20	(P-2292)
247.320	(P-2314)	n	472.30	(P-2292)
247.330	(P-2314)	n	472.40	(P-2292)
247.340	(P-2314)	n	472.50	(P-2292)
247.350	(P-2314)	n	472.60	(P-2292)

TABLE 35. (CONT'D)		703.Ap. A	(P-1058)
616.462	n	(P-9836/91; O-17793/91; R-1723; A-1592)	720.111 am (P-791)
616.463	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.102 am (P-820)
616.464	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.104 am (P-820)
616.501	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.106 am (P-820)
616.502	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.120 am (P-820)
616.601	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.131 am (P-820)
616.602	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.132 am (P-820)
616.603	n	(P-9836/91; O-17793/91; R-1723; A-1592)	721.Ap. 1
616.604	n	(P-9836/91; O-17793/91; R-1723; A-1592)	Tb. A
616.605	n	(P-9836/91; O-17793/91; R-1723; A-1592)	Tb. B
616.621	n	(P-9836/91; O-17793/91; R-1723; A-1592)	722.110 am (P-1112)
616.622	n	(P-9836/91; O-17793/91; R-1723; A-1592)	720.134 am (P-1123)
616.623	n	(P-9836/91; O-17793/91; R-1723; A-1592)	724.212 am (P-1123)
616.624	n	(P-9836/91; O-17793/91; R-1723; A-1592)	724.440 am (P-1123)
616.625	n	(P-9836/91; O-17793/91; R-1723; A-1592)	724.930 am (P-1123)
616.701	n	(P-9836/91; O-17793/91; R-1723; A-1592)	724.935 am (P-875)
616.702	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.113 am (P-875)
616.703	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.173 am (P-875)
616.704	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.212 am (P-875)
616.705	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.213 am (P-875)
616.721	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.440 am (P-875)
616.722	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.470 am (P-875)
616.723	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.935 am (P-875)
616.724	n	(P-9836/91; O-17793/91; R-1723; A-1592)	725.952 am (P-875)
616.725	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.130 r (P-1148)
617.101	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.131 r (P-1148)
617.102	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.132 r (P-1148)
703.150	am	(P-9836/91; O-17793/91; R-1723; A-1592)	726.133 r (P-1148)
703.157	am	(P-9836/91; O-17793/91; R-1723; A-1592)	726.134 r (P-1148)
703.208	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.135 am (P-1148)
703.211	am	(P-9836/91; O-17793/91; R-1723; A-1592)	726.140 am (P-1148)
703.232	n	(P-9836/91; O-17793/91; R-1723; A-1592)	726.200 n (P-1148)
703.280	am	(P-9836/91; O-17793/91; R-1723; A-1592)	726.201 n (P-1148)
703.283	am	(P-9836/91; O-17793/91; R-1723; A-1592)	726.202 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.203 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.204 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.205 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.206 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.207 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.208 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.209 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.210 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.211 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.212 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.219 n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. A n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. B n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. C n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. D n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. E n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. F n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. G n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. H n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. I n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. J n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. K n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. L n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Ap. A n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	726.Tb. A n (P-1148)
		(P-9836/91; O-17793/91; R-1723; A-1592)	728.107 am (P-916)
		(P-9836/91; O-17793/91; R-1723; A-1592)	728.109 am (P-916)

TITLE 35 (CONTD)			TITLE 38			TITLE 41			TITLE 44		
728.110	n	(P-916)	731.204	r	(P-2330)	450.440	am	(P-2763) (E-2915)	215.1	n	(P-1954)
728.111	n	(P-916)	731.205	r	(P-2330)	450.440	am	(P-2763) (E-2915)	215.2	n	(P-1954)
728.112	n	(P-916)	731.206	r	(P-2330)	450.1010	am	(P-2763) (E-2915)	215.20	n	(P-1954)
728.113	n	(P-916)	731.207	r	(P-2330)	450.1250	am	(P-2763) (E-2915)	215.30	n	(P-1954)
728.133	am	(P-916)	731.208	r	(P-2330)	450.1335	am	(P-2763) (E-2915)	215.50	n	(P-1954)
728.135	am	(P-916)	731.209	r	(P-2330)	450.1340	am	(P-2763) (E-2915)	215.60	n	(P-1954)
728.135	am	(P-916)	731.210	r	(P-2330)				215.70	n	(P-1954)
728.140	am	(P-916)	731.211	r	(P-2330)						
728.142	am	(P-916)	731.211	r	(P-2330)						
728.144	am	(P-916)	731.Ap. A	am	(P-2330)						
728.144	am	(P-916)	731.Ap. C	am	(P-2330)						
728.Ap. D	am	(P-916)	809.901	r	(P-13001791; A-130)						
728.Ap. E	am	(P-916)	809.902	r	(P-13001791; A-130)						
728.Ap. G	am	(P-916)	809.903	r	(P-13001791; A-130)						
728.Ap. H	am	(P-916)	809.904	r	(P-13001791; A-130)						
728.Ap. I	am	(P-916)	809.905	r	(P-13001791; A-130)						
728.Tb. A	am	(P-916)	809.906	r	(P-13001791; A-130)						
728.Tb. B	am	(P-916)	848.101	am	(P-13000491; A-3114)						
728.Tb. C	am	(P-916)	848.202	am	(P-13000491; A-3114)						
728.Tb. D	am	(P-916)	848.205	am	(P-13000491; A-3114)						
728.Tb. E	am	(P-916)	848.206	am	(P-13000491; A-3114)						
731.110	am	(P-2330)	848.207	am	(P-13000491; A-3114)						
731.111	r	(P-2330)	848.208	n	(P-13000491; A-3114)						
731.112	am	(P-2330)	849.101	n	(P-1326591; A-2880)						
731.113	am	(P-2330)	849.102	r	(P-1326591; A-2880)						
731.114	am	(P-2330)	849.103	r	(P-1326591; A-2880)						
731.120	r	(P-2330)	849.104	r	(P-1326591; A-2880)						
731.121	r	(P-2330)	849.105	r	(P-1326591; A-2880)						
731.122	r	(P-2330)	849.106	r	(P-1326591; A-2880)						
731.130	am	(P-2330)	1420.101	n	(P-1701691; A-2594)						
731.131	r	(P-2330)	1420.102	n	(P-1701691; A-2594)						
731.132	r	(P-2330)									
731.133	r	(P-2330)									
731.134	r	(P-2330)									
731.140	r	(P-2330)									
731.141	r	(P-2330)									
731.142	r	(P-2330)									
731.143	r	(P-2330)									
731.144	r	(P-2330)									
731.145	r	(P-2330)									
731.150	r	(P-2330)									
731.151	r	(P-2330)									
731.152	r	(P-2330)									
731.153	r	(P-2330)									
731.161	am	(P-2330)									
731.162	am	(P-2330)									
731.170	r	(P-2330)									
731.171	r	(P-2330)									
731.172	r	(P-2330)									
731.173	r	(P-2330)									
731.174	r	(P-2330)									
731.190	r	(P-2330)									
731.191	r	(P-2330)									
731.192	r	(P-2330)									
731.193	r	(P-2330)									
731.194	r	(P-2330)									
731.195	r	(P-2330)									
731.196	r	(P-2330)									
731.197	r	(P-2330)									
731.198	r	(P-2330)									
731.199	r	(P-2330)									
731.200	r	(P-2330)									
731.202	r	(P-2330)									
731.203	r	(P-2330)									

TITLE 50 (CONTD)					
2008.90	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.110	n	(P-1997)
2008.100	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.120	n	(P-1997)
2008.101	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.130	n	(P-1997)
2008.102	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.140	n	(P-1997)
2008.103	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.150	n	(P-1997)
2008.104	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.160	n	(P-1997)
2008.110	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	120.170	n	(P-1997)
2008.Ap. A	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	350.10	am	(P-1)
2008.Ap. B	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	350.280	am	(P-1) (P-3780)
2008.Ap. C	#	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	350.290	n	(P-3260)
2008.Ap. C	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	350.300	n	(P-3260)
2008.Ap. D	r	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	350.310	n	(P-3260)
2008.Ap. D	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	1700.10	n	(P-1469)
2008.Ap. E	#	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	1700.20	n	(P-1469)
2008.Ap. E	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	1700.30	n	(P-1469)
2008.Ap. F	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	1700.40	n	(P-1469)
2008.Ap. G	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	1700.50	n	(P-1469)
2008.Ap. H	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2630.82	am	(P-8081/91; A-1524)
2008.Ap. I	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2630.83	am	(P-8081/91; A-1524)
2008.Ap. J	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.1	am	(P-14343/91; A-2556)
2008.Ap. K	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.5	am	(P-14343/91; A-2556)
2008.Ap. L	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.7	am	(P-14343/91; A-2556)
2008.Ap. M	#	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.108	am	(P-14343/91; A-2556)
2008.Ap. N	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.130	am	(P-14343/91; A-2556)
2008.Ap. O	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.215	am	(P-14343/91; A-2556)
2008.Ap. P	r	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.240	am	(P-14343/91; A-2556)
2008.Ap. N	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2720.315	am	(P-14343/91; A-2556)
2008.Ap. O	#	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2725.105	am	(P-3734)
2008.Ap. P	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2725.115	am	(P-1401491; A-2122)
2008.Ap. Q	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2725.225	am	(P-1401491; A-2122)
2008.Ap. R	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2732.203	n	(P-3248)
2008.Ap. S	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2732.220	n	(P-3248)
2008.Ap. T	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2732.245	am	(P-3734)
2008.Ap. U	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2732.305	n	(P-785)
2008.Ap. V	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2760.110	am	(P-14023/91; A-3993)
2008.Ap. W	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2760.120	am	(P-14023/91; A-3993)
2008.Ap. X	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2760.130	am	(P-14023/91; A-3993)
2008.Ap. Y	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2760.145	am	(P-14023/91; A-3993)
2008.Ap. Z	#	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2760.150	am	(P-14023/91; A-3993)
2008.Ap. AA	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2765.45	am	(P-14032/91; A-2131)
2008.Ap. AB	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2765.55	am	(P-14032/91; A-2131)
2008.Ap. AC	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2765.68	am	(P-14032/91; A-2131)
2008.Ap. AD	r	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	2770.110	am	(P-14032/91; A-2131)
2008.Ap. AE	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	5400.110	am	(P-13257/91; A-118)
2008.Ap. AF	n	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	5400.210	am	(P-1490) (E-1693)
2008.Ap. AG	#	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	5400.310	am	(P-1490) (E-1693)
2008.Ap. AH	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	101.100	n	(P-14363/91; A-2137)
2008.Ap. AI	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	103.90	am	(E-14663/91)
2008.Ap. AJ	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	115.300	am	(E-2643)
2008.Ap. AK	am	(P-1485991; PF-1743; W-2956; A-2766; C-3590)	115.320	am	(P-18334/91)
2008.Ap. AL	am	(P-11055/91; A-126)	119.260	am	(E-2662)
2008.Ap. AM	n	(P-1997)	120.70	am	(E-2652)
2008.Ap. AN	n	(P-1997)	125.70	am	(E-2672)
TITLE 56					
20.100	n				

[illegible]

TITLE 59 (CONT'D)

130.110	(E-2656)	am	240.610	(P-3282)	am
132.10	(P-7) (E-211)	am	240.630	(P-3282)	am
132.15	(P-7) (E-211)	n	240.640	(P-3282)	am
132.20	(P-7) (E-211)	n	240.710	(P-3282)	am
132.25	(P-7) (E-211)	n	240.760	(P-3282)	am
132.30	(P-7) (E-211)	n	240.780	(P-3282)	am
132.35	(P-7) (E-211)	n	240.995	(P-14365/91; P-14679/91; A-2576)	r
132.40	(P-7) (E-211)	n			
132.45	(P-7) (E-211)	n	240.1110	(P-3282)	am
132.50	(P-7) (E-211)	n	240.1130	(P-3282)	am
132.55	(P-7) (E-211)	n	240.1150	(P-3282)	am
132.60	(P-7) (E-211)	n	240.1160	(P-3282)	n
132.65	(P-7) (E-211)	n	240.1170	(P-3282)	am
132.70	(P-7) (E-211)	n	240.1180	(P-3282)	r
132.75	(P-7) (E-211)	n	240.1400	(P-14365/91; P-14679/91; A-2576)	r
132.80	(P-7) (E-211)	n			
132.85	(P-7) (E-211)	n	240.1400	(P-14365/91; P-14679/91; A-2576)	n
132.90	(P-7) (E-211)	n	240.1405	(P-14365/91; P-14679/91; A-2576)	r
132.95	(P-7) (E-211)	n	240.1410	(P-14365/91; P-14679/91; A-2576)	r
133.00	(P-7) (E-211)	n	240.1410	(P-14365/91; P-14679/91; A-2576)	r
133.05	(P-7) (E-211)	n	240.1410	(P-14365/91; P-14679/91; A-2576)	n
133.10	(P-7) (E-211)	n	240.1410	(P-14365/91; P-14679/91; A-2576)	n
133.15	(P-7) (E-211)	n	240.1420	(P-14365/91; P-14679/91; A-2576)	r
133.20	(P-7) (E-211)	n	240.1420	(P-14365/91; P-14679/91; A-2576)	r
133.25	(P-7) (E-211)	n	240.1430	(P-14365/91; P-14679/91; A-2576)	n
133.30	(P-7) (E-211)	n	240.1430	(P-14365/91; P-14679/91; A-2576)	n
133.35	(P-7) (E-211)	n	240.1430	(P-14365/91; P-14679/91; A-2576)	n
133.40	(P-7) (E-211)	n	240.1440	(P-14365/91; P-14679/91; A-2576)	r
133.45	(P-7) (E-211)	n	240.1440	(P-14365/91; P-14679/91; A-2576)	n
133.50	(P-7) (E-211)	n	240.1440	(P-14365/91; P-14679/91; A-2576)	n
133.55	(P-7) (E-211)	n	240.1450	(P-14365/91; P-14679/91; A-2576)	r
133.60	(P-7) (E-211)	n	240.1450	(P-14365/91; P-14679/91; A-2576)	n
133.65	(P-7) (E-211)	n	240.1450	(P-14365/91; P-14679/91; A-2576)	n
133.70	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
133.75	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
133.80	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
133.85	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
133.90	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
133.95	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.00	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.05	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.10	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.15	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.20	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.25	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.30	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.35	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.40	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.45	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.50	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.55	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.60	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.65	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.70	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.75	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.80	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.85	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.90	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
134.95	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.00	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.05	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.10	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.15	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.20	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.25	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r
135.30	(P-7) (E-211)	n	240.1460	(P-14365/91; P-14679/91; A-2576)	r

TITLE 68 (CONT'D)

870.115	(P-12094/91; A-3096)	n	1310.90	(P-3784)	am
870.120	(P-12094/91; A-3096)	n	1340.15	(P-11369/91; A-3175)	n
870.200	(P-12094/91; A-3096)	n	1340.20	(P-11369/91; A-3175)	am
870.210	(P-12094/91; A-3096)	n	1340.30	(P-11369/91; A-3175)	am
870.215	(P-12094/91; A-3096)	n	1340.40	(P-11369/91; A-3175)	am
870.220	(P-12094/91; A-3096)	n	1340.50	(P-11369/91; A-3175)	am
870.225	(P-12094/91; A-3096)	n	1340.55	(P-11369/91; A-3175)	am
870.230	(P-12094/91; A-3096)	n	1340.60	(P-11369/91; A-3175)	am
870.235	(P-12094/91; A-3096)	n	1340.65	(P-11369/91; A-3175)	am
870.240	(P-12094/91; A-3096)	n	1340.70	(P-11369/91; A-3175)	am
870.245	(P-12094/91; A-3096)	n	1340.75	(P-11369/91; A-3175)	am
870.300	(P-12094/91; A-3096)	n	1450.175	(P-14375/91; A-3204)	n
870.305	(P-12094/91; A-3096)	n			
870.310	(P-12094/91; A-3096)	n			
870.315	(P-12094/91; A-3096)	n			
870.320	(P-12094/91; A-3096)	n			
870.325	(P-12094/91; A-3096)	n			
870.400	(P-12094/91; A-3096)	n			
870.405	(P-12094/91; A-3096)	n			
870.500	(P-12094/91; A-3096)	n			
870.505	(P-12094/91; A-3096)	n			
870.510	(P-12094/91; A-3096)	n			
870.515	(P-12094/91; A-3096)	n			
870.520	(P-12094/91; A-3096)	n			
870.525	(P-12094/91; A-3096)	n			
1130.10	(P-2010)	n			
1130.20	(P-2010)	n			
1130.30	(P-2010)	n			
1130.40	(P-2010)	n			
1130.50	(P-2010)	n			
1130.60	(P-2010)	n			
1130.70	(P-2010)	n			
1150.20	(P-2492/91; A-3143)	am			
1150.30	(P-2492/91; A-3143)	am			
1150.40	(P-2492/91; A-3143)	am			
1150.50	(P-2492/91; A-3143)	am			
1150.60	(P-2492/91; A-3143)	am			
1150.65	(P-2492/91; A-3143)	am			
1150.70	(P-2492/91; A-3143)	am			
1150.80	(P-2492/91; A-3143)	am			
1150.90	(P-2492/91; A-3143)	am			
1150.100	(P-2492/91; A-3143)	am			
1150.110	(P-2492/91; A-3143)	am			
1150.11. A	(P-2492/91; A-3143)	am			
1200.30	(P-17030/91; A-3194)	am			
1255.10	(P-17030/91; A-3194)	am			
1255.20	(P-17030/91; A-3194)	am			
1255.30	(P-17030/91; A-3194)	am			
1255.40	(P-17030/91; A-3194)	am			
1255.50	(P-17030/91; A-3194)	am			
1255.60	(P-17030/91; A-3194)	am			
1255.70	(P-17030/91; A-3194)	am			
1255.80	(P-17030/91; A-3194)	am			
1255.90	(P-17030/91; A-3194)	am			
1310.20	(P-3784)	am			
1310.30	(P-3784)	am			
1310.40	(P-3784)	am			
1310.60	(P-3784)	am			
1310.70	(P-3784)	am			
1310.75	(P-3784)	am			
1310.80	(P-3784)	am			
1310.85	(P-3784)	am			

TITLE 71

110.10	(P-3689)	n			
110.20	(P-3689)	n			
110.30	(P-3689)	n			
110.40	(P-3689)	n			
110.50	(P-3689)	n			
110.60	(P-3689)	n			
110.70	(P-3689)	n			
2000.45	(P-1511)	am			
2000.100	(P-1511)	am			
2000.210	(P-1511)	am			
2000.245	(P-1511)	am			
2000.250	(P-1511)	am			
2000.320	(P-1511)	am			
2000.340	(P-1511)	am			
2000.410	(P-1511)	am			
2000.430	(P-1511)	am			
2000.500	(P-1511)	am			
2000.520	(P-1511)	am			
2000.540	(P-1511)	am			
2300.10	(P-2310)	n			
2300.30	(P-2310)	n			
2300.50	(P-2310)	n			
2300.70	(P-2310)	n			

TITLE 74

750.40	(P-15035/91; A-203)	am			
750.40	(P-15035/91; A-203)	am			
750.40	(P-15035/91; A-203)	am			

TITLE 77

205.620	(P-3426)	am			
250.2720	(P-2016)	n			
300.110	(P-2034)	am			
300.120	(P-4367/91; A-681)	am			
300.140	(P-2034)	am			
300.150	(P-2034)	am			
300.330	(P-2034)	am			
300.620	(P-4367/91; A-681)	am			
300.630	(P-2034)	am			
300.1010	(P-2034)	am			
300.1220	(P-2034)	am			
300.1240	(P-2034)	am			
300.2070	(P-2034)	am			
300.3060	(P-2034)	am			
300.3100	(P-2034)	am			
300.3310	(P-2034)	am			
300.3710	(P-2034)	am			
300.40	(P-2034)	am			

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TITLE 77 (CONT'D)

330.120	(P-4338/91; A-651)	n	2030.450	(P-9083/91; A-2457)	n
330.330	(P-4338/91; A-651)	am	2030.450	(P-9153/91; A-2530)	n
330.330	(P-4338/91; A-651)	am	2030.510	(P-9153/91; A-2457)	n
350.120	(P-4280/91; A-594)	am	2030.510	(P-9153/91; A-2530)	n
350.330	(P-4280/91; A-594)	am	2030.520	(P-9153/91; A-2457)	n
390.120	(P-4309/91; A-623)	am	2030.520	(P-9153/91; A-2530)	n
390.330	(P-4309/91; A-623)	am	2030.530	(P-9083/91; A-2457)	n
692.10	(P-14389/91; A-4052)	n	2030.530	(P-9083/91; A-2530)	n
692.10	(P-14389/91; A-4052)	n	2030.550	(P-9083/91; A-2457)	n
692.10	(P-14389/91; A-4052)	n	2030.610	(P-9153/91; A-2530)	n
692.10	(P-14389/91; A-4052)	n	2030.610	(P-9153/91; A-2530)	n
830.10	(P-2092)	am	2030.620	(P-9083/91; A-2457)	n
830.880	(P-2092)	am	2030.620	(P-9083/91; A-2530)	n
830.885	(P-2092)	am	2030.630	(P-9153/91; A-2530)	n
830.890	(P-2092)	am	2030.630	(P-9153/91; A-2530)	n
830.900	(P-2092)	am	2030.640	(P-9153/91; A-2530)	n
1190.30	(P-3063)	am	2030.710	(P-9083/91; A-2457)	n
2030.10	(P-9083/91; A-2457)	n	2030.710	(P-9153/91; A-2530)	n
2030.10	(P-9153/91; A-2530)	n	2030.720	(P-9153/91; A-2457)	n
2030.20	(P-9083/91; A-2457)	n	2030.720	(P-9153/91; A-2530)	n
2030.20	(P-9153/91; A-2530)	n	2030.730	(P-9083/91; A-2457)	n
2030.30	(P-9083/91; A-2457)	n	2030.730	(P-9153/91; A-2530)	n
2030.30	(P-9153/91; A-2530)	n	2030.740	(P-9083/91; A-2457)	n
2030.40	(P-9083/91; A-2457)	n	2030.740	(P-9153/91; A-2530)	n
2030.40	(P-9153/91; A-2530)	n	2030.750	(P-9083/91; A-2457)	n
2030.50	(P-9153/91; A-2530)	n	2030.750	(P-9153/91; A-2530)	n
2030.100	(P-9083/91; A-2457)	n	2030.760	(P-9083/91; A-2457)	n
2030.105	(P-9083/91; A-2457)	n	2030.760	(P-9153/91; A-2530)	n
2030.107	(P-9083/91; A-2457)	n	2030.810	(P-9083/91; A-2457)	n
2030.110	(P-9083/91; A-2457)	n	2030.810	(P-9153/91; A-2530)	n
2030.110	(P-9153/91; A-2530)	n	2030.820	(P-9083/91; A-2457)	n
2030.115	(P-9083/91; A-2457)	n	2030.820	(P-9153/91; A-2530)	n
2030.120	(P-9083/91; A-2457)	n	2030.830	(P-9083/91; A-2457)	n
2030.120	(P-9153/91; A-2530)	n	2030.840	(P-9083/91; A-2457)	n
2030.130	(P-9153/91; A-2530)	n	2030.850	(P-9083/91; A-2457)	n
2030.130	(P-9153/91; A-2530)	n	2030.850	(P-9153/91; A-2530)	n
2030.140	(P-9083/91; A-2457)	n	2030.910	(P-9083/91; A-2457)	n
2030.140	(P-9153/91; A-2530)	n	2030.910	(P-9153/91; A-2530)	n
2030.150	(P-9083/91; A-2457)	n	2030.920	(P-9153/91; A-2530)	n
2030.160	(P-9083/91; A-2457)	n	2030.930	(P-9153/91; A-2530)	n
2030.210	(P-9083/91; A-2457)	n	2030.940	(P-9153/91; A-2530)	n
2030.210	(P-9153/91; A-2530)	n	2030.950	(P-9153/91; A-2530)	n
2030.220	(P-9083/91; A-2457)	n	2030.960	(P-9153/91; A-2530)	n
2030.220	(P-9153/91; A-2530)	n	2030.970	(P-9153/91; A-2530)	n
2030.230	(P-9083/91; A-2457)	n	2030.980	(P-9153/91; A-2530)	n
2030.230	(P-9153/91; A-2530)	n	2030.980	(P-9153/91; A-2530)	n
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2030.310	(P-9153/91; A-2530)	n	2030.1010	(P-9153/91; A-2530)	n
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2030.320	(P-9153/91; A-2530)	n	2030.1020	(P-9153/91; A-2530)	n
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2030.340	(P-9153/91; A-2530)	n	2030.1040	(P-9153/91; A-2530)	n
2030.340	(P-9153/91; A-2530)	n	2030.1050	(P-9083/91; A-2457)	n
2030.350	(P-9153/91; A-2530)	n	2030.1050	(P-9153/91; A-2530)	n
2030.350	(P-9153/91; A-2530)	n	2030.1060	(P-9083/91; A-2457)	n
2030.360	(P-9083/91; A-2457)	n	2030.1070	(P-9083/91; A-2457)	n
2030.410	(P-9153/91; A-2457)	n	2030.1080	(P-9083/91; A-2457)	n
2030.410	(P-9153/91; A-2530)	n	2030.1090	(P-9083/91; A-2457)	n
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2030.420	(P-9153/91; A-2530)	n	2030.1110	(P-9153/91; A-2530)	n
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2030.440	(P-9153/91; A-2530)	n	2030.1130	(P-9153/91; A-2530)	n
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